

September 13, 2005



TRANSCRIPT
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MONTGOMERY COUNTY COUNCIL

PRESENT

Thomas Perez, President
Phil Andrews
Howard Denis
Marilyn J. Praisner

George Leventhal, Vice President
Michael Knapp
Nancy Floreen
Steven A. Silverman

Michael Subin



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1 Council President PEREZ,
2 Good morning. We will turn to Reverend Lookingbill from the Emmanuel Lutheran
3 Church. I appreciate your coming here today and appreciate your patience. Please
4 stand.

5
6 Reverend LOOKINGBILL,

7 Oh Lord, our Lord, how excellent is your name in all the earth. You've created all that
8 we see and you know before us even all that is to be known. And yet Heavenly Father,
9 we are grateful for what we see, the beauty of this county, the beauty of our children.
10 The opportunities that they promise that will be new adventures and new experiences in
11 the future. And yet Heavenly Father, in the midst of the beauty and in the midst of the
12 opportunities, we are reminded as we prayed together in 2001, of the anger that still
13 exists in the world as the Twin Towers were shaken and we prayed in this very
14 chamber. Lord, you watched over your people and cried with your people and reminded
15 us of the responsibility that government has for safety, that we might be able to live
16 together in harmony. We're also reminded, Heavenly Father, of the cries that we have
17 from the oceans, evidence of your power. And yet the oceans can fill our cities and
18 cause immense disaster, reminding us once again of the responsibility that the
19 government has and we have as your people to care for one another. We give thanks
20 for all the care that has been given. We give thanks for the government and especially
21 for this County Council that is responsible to guide, to direct, to encourage our young
22 people, our teachers, our older and also those who travel in the roads, the busy roads of
23 this county, that we may grow together, Heavenly Father, that we may strengthen one
24 another, we may care for one another, we pray. Guide the Council, guide those in
25 government, help our children and our teachers to share with one another the beauty of
26 life and the promises that you have given to your people. In your holy name we pray.
27 Amen.

28
29 Council President PEREZ,
30 Thank you for coming. We're going to actually go to –

31
32 Speaker,
33 Going to do Barns first?

34
35 Council President PEREZ,

36 Yes, we're waiting for someone else on the first one. I want to apologize in advance. I
37 had a root canal this morning, so if I sound like I have marbles in my mouth, it's because
38 I do. So, let me turn it to Councilmember Knapp and ask our former colleague and
39 friend, Peggy Erickson, to please come forward. Good morning.

40
41 Councilmember KNAPP,

42 It's my pleasure this morning to bring some more attention to a significant portion of our
43 -- of our county that tends to get not as much recognition as we might like and that's our
44 Agricultural Reserve. As many of you may be aware, I know our colleagues are, this is
45 the 25th anniversary of the establishment of the AG Reserve on Montgomery County.



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1 And there are a number of activities under way this year to increase awareness of what
2 that means for our county and why it's important. We have about 93,000 acres that have
3 been set aside for the preservation of agriculture in this county. A little less than a third
4 of our overall land area. And in honor of the 25th anniversary, there have been a lot of
5 efforts, a lot of activity and there continue to be. Many of you may have already seen a
6 poster that was put together earlier this year by Tina Brown, who lives in the Up County
7 on the AG Reserve, kind of outlining the overall background of the AG Reserve and
8 historic areas within it and farms within it. It's the 25th anniversary celebration map.
9 That's what we're going to talk about today. I want to be sure everyone is aware of that.
10 Another effort that's been put in place is one by Peggy Erickson with the historic -- I'm
11 sorry, with the Heritage Tourism Alliance. The Heritage Tourism Alliance is a relatively
12 new entity over the last two years and the focus really is to increase awareness and
13 attention to the historic and heritage that we have in the AG Reserve and other areas in
14 the county. And one of the things that Peggy's group has put together is this lovely
15 poster of the "Barns of Montgomery County". And first of all, I think it's important for all
16 to recognize that we still have barns in Montgomery County. Lots of folks who live in the
17 county don't recognize that. But then, this beautiful poster outlines all of the different
18 types of barns that we have. And most people think of a barn as a barn. A reality is
19 many of them have different roles and functions. You've got tobacco barns and dairy
20 barns and hay barns. What this represents is both the architectural style associated with
21 the barns and the different functions and utility that each of them has. I want to thank
22 Peggy for her efforts. I know Peggy has just given all of my colleagues a map to grace
23 their offices, which I hope it will soon. But I want Peggy to take an opportunity to tell us
24 more about the Heritage Tourism Alliance and why this, why the maps and what you
25 hope to achieve.

26
27 Peggy Erickson,
28 Good morning and thank you. Reverend, you mentioned the beauty of the county and
29 that's what we tried to capture in this poster. I'd like to thank the Council for their past
30 support and hopefully their continued support in the future, but I think it's important --
31 this map really captures -- or not map, poster, captures the history of the county. We've
32 got a tobacco barn, which was the main state of our economy in the 18 -- 19th century.
33 We then went to dairy farming and now we just have over 500 farms operating in this
34 county and as Michael said, 93,000 acres in reserve. So, this is really important and I
35 know we're successful with our poster because people are now coming up to us and
36 saying why isn't our barn on this? We may have a second edition because it's been a
37 very -- there's been a lot of interest in the poster. So, I hope you enjoy the poster. I think
38 it's important, again, to capture the history of the county. Last year I took a group of
39 school teachers out and I did a Trivial Pursuit game of interesting bits of trivia about this
40 county. The refrigerator was designed, the first refrigerator in the United States, in
41 Sandy Spring in 1803 it was called a refrigerator. But I made the mistake of playing
42 Trivial Pursuit with teachers. And as we asked the question, every hand on the bus went
43 up. They all knew the answers. So, my prizes became a little bit of a problem. So we
44 reformatted how we play the game, but the best part of this job is learning about our rich
45 and diverse history. It is amazing, from the first settlers to Poolesville that was founded



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1 in 1747 to Barnesville. That at one point in the Civil War changed hands five times in
2 one day. There were 12,000 troops [INAUDIBLE] Poolesville during the Civil War. So,
3 our role in defending the Capital, our role in history is amazing. I hope the poster
4 captures it. Thank you. And I hope you all enjoy your posters.

5
6 Council President PEREZ,
7 Thank you.

8
9 Councilmember KNAPP,
10 Thank you, Peggy.

11
12 Council President PEREZ,
13 Appreciate it. The timing was also very good as we move through the Shady Grove
14 master plan, in the event of -- Exactly, we can multitask with that. Great, let me turn to
15 Mr. Silverman.

16
17 Councilmember SILVERMAN,
18 I don't think [INAUDIBLE].

19
20 Council President PEREZ,
21 Oh, okay, we're waiting for a photographer -- our photographer. We see some
22 photographers in the back, some families, and he's supposed to be here. He called us
23 to say he was stuck in traffic and at 20 after, he said he'd be here in about 5 or 10
24 minutes.

25
26 Councilmember LEVENTHAL,
27 Mr. President, while we're waiting, I just want to congratulate you upon being named a
28 participant for the Aspen Institute. You and Lieutenant Governor Steele and I think 24
29 other distinguished public servants from around the country. The Aspen Institute is an
30 outstanding entity and you're to be commended for your selection by them.

31
32 Council President PEREZ,
33 Well, thank you. I'm -- I'm most excited about being called young again -- Because the
34 State Democratic Party has told me that I'm no longer eligible to be a member of the
35 Young Democrats. So that was a very traumatic development. So, I was very excited to
36 learn that I was young again and my children were equally excited. So, thank you for the
37 kind words. Let's -- we have no announcements. Let's go to approval of the minutes,
38 Madam Clerk?

39
40 Council Staff PARADISE,
41 We have the minutes of July 22nd for approval.

42
43 Council President PEREZ,
44 Moved and seconded. Okay. All of those in favor. It's unanimous among those present.
45 There are no petitions. Let's move to Consent Calendar. Moved and seconded. Any --



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1 any questions, comments? There is none, all of those in favor? Already unanimous
2 among those present. Move to District Council Session, Introduction of Zoning Text
3 Amendment 05-11, Accessory Buildings - Height and Lot Coverage, sponsored by
4 Councilmember Praisner. We have an item on the resolution to establish public hearing.

5
6 Speaker,
7 Second.

8
9 Council President PEREZ,
10 Moved and seconded. All of those in favor? Unanimous among those present. Okay,
11 Mr. Silverman, I have run out of things to do other than –

12
13 Councilmember SILVERMAN,
14 I'm going –

15
16 Council President PEREZ,
17 Other than -- we can have them here all day to listen to the Shady Grove master plan,
18 then we'd have parental unrest and we would -- yeah, yeah. I also learned in talking to
19 them that one of them is celebrating his 13th -- 14th birthday today? So, happy birthday.

20
21 Speaker,
22 Mr. Silverman will now sing.

23
24 Councilmember SILVERMAN,
25 No, no, no, no, no. Could I have the members of the Burtonsville Dawgs -- are they
26 here? Yes. Come on up. And is Head Coach Rich Graves here and any of the assistant
27 coaches? Come on around here, just come on around back. Shouldn't you guys be in
28 school or something? Oh, wait a minute. Well, we are here to present a proclamation --
29 come on up, to the Burtonsville Dawgs. It is appropriate, it is the fall season and I know
30 we started football, but let's be serious, it's all about baseball. And we're about to
31 embark on the Fall Classic again and these young men have already had their classic,
32 the Burtonsville Dawgs won the 13 and under 2005 Maryland State American Amateur
33 Baseball Congress Championship Title. That is a very long title, but congratulations to
34 you. In addition, this is the third year in a row that the Dawgs have become the
35 Montgomery County select baseball team champions and they won second place in the
36 AA -- in the American Amateur Baseball Congress World Series held in Battle Creek,
37 Michigan this past summer. And what's even more incredible is the consistency of this
38 team. For the last three years, they compiled a record of 110 wins, 22 losses in the
39 Select Baseball League. An 83% winning average. We should be so fortunate at the
40 Council to have an 83% winning average. But we wanted to present this Proclamation
41 to you and congratulate you for only the hard work of your coaches and all of you
42 because you're balancing your family lives and you're balancing baseball and your
43 school work and obviously doing a great job. So, congratulations to the Burtonsville
44 Dawgs. Do you want to come up here and get a picture and say a couple of things? Go
45 right ahead.



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1
2 Rich Graves,
3 I just want to -- this -- our team has been very proud to represent Montgomery County
4 for the last four years and Montgomery County Select Baseball and to represent the
5 State of Maryland and then to go on to the World Series. It was an honor and we thank
6 you very much for the honor to be here and present this Proclamation to us.

7
8 Councilmember SILVERMAN,
9 Keep up the great work, we look forward to another winning season.

10
11 Rich Graves,
12 Thank you.

13
14 Councilmember SILVERMAN,
15 Congratulations.

16
17 Rich Graves,
18 Thanks.

19
20 Councilmember SILVERMAN,
21 Now we've got another team from Burtonsville, they obviously -- what is it, Ms. Praisner,
22 is there something in the water up there?

23
24 Councilmember PRAISNER,
25 It's in the ice cream.

26
27 Councilmember SILVERMAN,
28 Right. Can I ask the members of the Burtonsville Blaze baseball team to come up?
29 While they're coming up, we are presenting a Proclamation to them, as well. This is the
30 15 and under 2005 -- man, these guys are tall. It's baseball, not basketball. Go on the
31 other side. The 2005 Maryland State American Amateur Baseball Congress
32 Championship Title. And they also represented the State of Maryland in the 2005 -- oh,
33 it pains me to say this, Mickey Mantle World Series in Tulsa, Oklahoma, placing seventh
34 in the country. And more importantly, they won at that tournament, the Outstanding
35 Sportsmanship Award, which is given to one team in the country for sportsmanship.
36 They deserve our congratulations -- an outstanding year and we know you're going to
37 continue to do a great job. We appreciate, Coach Barnes, why don't you come over
38 here and you're welcome to say a few words. Congratulations.

39
40 Paul Barnes,
41 Thank you, Councilman. We appreciate the honor. The Proclamation here from the
42 Council. We enjoyed very much representing Montgomery County in the Maryland State
43 Championships and then on in the National Championships, as well. And we appreciate
44 the facilities that we play in in Montgomery County, as well. If you go out and play a lot



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1 of tournaments like we have, our facilities are really one of the best in the country. So,
2 let's keep that up, okay?

3
4 Councilmember SILVERMAN,
5 Thanks.

6
7 Paul Barnes,
8 Thank you very much.

9
10 Councilmember SILVERMAN,
11 Congratulations. Okay. All right, great, hit them straight.

12
13 Speaker,
14 They're big guys, aren't they?

15
16 Council President PEREZ,
17 Absolutely. All right. Well, we are ahead of session.

18
19 Speaker,
20 Recess?

21
22 Council President PEREZ,
23 Do we have the Shady Grove -- I don't see our friends from the Planning Board here
24 yet. So, I'm afraid that we're supposed to start at 10:00 and I apologize for being ahead
25 of schedule.

26
27 Speaker,
28 We can just -- we don't need him --

29
30 Council President PEREZ,
31 Do we need him?

32
33 Councilmember PRAISNER,
34 Well, we need Marlene and she's not here --

35
36 Speaker,
37 Actually we are doing transportation -- Where's Glenn?

38
39 Council President PEREZ,
40 We were in the middle of transportation, weren't we? Yeah, we can probably go and
41 when the Planning Board gets here, the Planning Board gets here. I agree. Once we
42 break, we -- We lose it. Exactly. Present company included. Yeah. Take care. Mr.
43 Berlage, we are just about to start. Did you want to --

44
45 Councilmember PRAISNER,



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1 I just had a question about the Consent Calendar, on the spending affordability
2 guidelines, I assume we approved the numbers for this public hearing. But we're not
3 precluded from changing those.

4 It's just public hearing numbers.

5 Right, it's just the public hearing –

6
7 Speaker,

8 Nothing has been voted on –

9
10 Councilmember PRAINER

11 In fact, the committee discussed and we will be recommending that we not bring the
12 public hearing process to the Council that will allow us to have more time, and just do
13 the final action since it's just a consent calendar item.

14
15 Councilmember FLOREEN

16 But in terms of the numbers that we may be looking at, the numbers that are advertised
17 aren't going to limit our –

18
19 Councilmember PRAISNER

20 No, no. They never have. And they never will.

21 I find it good to refresh my memory on a regular basis. Okay, great, thanks. We're
22 waiting for Dr. Orlin.

23
24 Councilmember SILVERMAN

25 Who poked his head in and now hasn't.

26
27 Councilmember PRAISNER,

28 Yeah. Yes, Mr. Berlage.

29
30 Planning Board Chair Berlage,

31 My staff will be here momentarily. [INAUDIBLE] I have trouble speaking.

32
33 Councilmember DENIS

34 That's already been used, Derick.

35
36 SPEAKER,

37 You guys in the same building?

38
39 Council President PEREZ,

40 I was wondering why -- I heard the orthodontist next door talking about Clarksburg. Now
41 I know why. Of course, the person he was yelling at could only say, oh, oh. He sounded
42 like Strom Thurmond at the Anita Hill hearings.

43
44 Councilmember SILVERMAN,

45 We're at item 17 on page 48.



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1 Deputy Staff Director ORLIN,

2 Okay, there was discussion about the two streets, Redland Road and Crabbs Branch
3 Way. The committee's recommendation is that -- to agree with the Planning Board to
4 the roads be reclassified as commercial business streets, or be classified as that. But it
5 texts pertaining to their function and use, they be treated as arterials. The concern was
6 that there could be the potential speed humps or traffic restrictions on these streets.
7

8
9 Councilmember SILVERMAN
10 Are you out of breath, Glenn?

11
12 Deputy Staff Director ORLIN,
13 Out of breath.

14
15 Councilmember SILVERMAN,
16 Come on man.

17
18 Deputy Staff Director ORLIN,
19 Talk amongst yourselves. Why for once did you have to be ahead of time? Good grief.
20 Okay. Number 18, any questions on that? 355/Gude Drive interchange. There was
21 some real specific language in the plan about perhaps lowering the grade of Gude Drive
22 to go under 355. The committee's recommendation is strictly to say that the Plan
23 recommends that there be a grade separated interchange at 355 and Gude and that the
24 impacts on the adjacent business street minimize and not try to get into design aspects
25 that will be determined later. The next section, 19, entitled "Intersections", the long and
26 short of it is that there are specific intersections in the plan which were identified with
27 improvements. Actually, they're not in the plans so much as in the Supplemental Report.
28 And what the committee's recommendation is, in fact, that the -- that these be identified
29 specifically in the plan. And the particular type of improvements at the intersections,
30 which run in Supplemental Report, you know, adding a left turn here or right turn there,
31 would not be included in the plan's language. It's back there as essentially legislative
32 history. But the fact that the intersections need to be improved would be listed in the
33 plan. That's the text you see indented toward the bottom of page 50. In terms of the
34 local street network, there are a lot of -- a lot of discussion about the definition of the
35 local street network, which is primarily in the Metro neighborhoods, the County Service
36 Park and the Metro -- the Metro north, Metro west. And the specific language that the
37 committee is recommending is here in the circle -- the middle of page 51, which retains
38 most of what the Planning Board's recommendations were. It took out references having
39 to do with raised pedestrian crosswalks, for example --
40

41 Councilmember SILVERMAN,
42 Dr. Orlin, I'm straining myself here to recall why we had a split vote on raised pedestrian
43 crosswalks.

44
45 Deputy Staff Director ORLIN,



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1 It was a question about operational –

2
3 Councilmember SILVERMAN,
4 Ah, that was it, okay.

5
6 Deputy Staff Director ORLIN,
7 That was a level of detail –

8
9 Councilmember SILVERMAN,
10 A rational basis for that.

11
12 Deputy Staff Director ORLIN,
13 And there are other operational things here, too, but the concern was raised pedestrian
14 crosswalks to one person is a speed hump to someone else.

15
16 Councilmember SILVERMAN,
17 Ah, okay.

18
19 Deputy Staff Director ORLIN,
20 And taking the language out doesn't preclude it, but –

21
22 Councilmember SILVERMAN,
23 Right, okay, keep going.

24
25 Deputy Staff Director ORLIN,
26 Actually, we've talked quite a bit about number 21, even though it's a short text. In fact,
27 essentially we as staff did a study, a mini study, if you will, of the Mid-County/Shady
28 Grove interchange possibility, it's not really a possibility. So, we recommend deleting
29 references to it. That's it for transportation, except for the elements that we skipped over
30 about the TMD, which I prefer if we can do that when we have the discussion about
31 staging, because they're linked –

32
33 Councilmember SILVERMAN,
34 My understanding is Sandra Brecher, she won't be here until this afternoon –

35
36 Deputy Staff Director ORLIN,
37 She can be here at 1:30.

38
39 Councilmember SILVERMAN,
40 Well, here's my suggestion because she's sort of the TMD person, and has the most
41 knowledge about these agreements, which are part of what this plan involves. So my
42 suggestion is that we continue through this and we move into the zones and then as --
43 depending on wherever we are as the first agenda item after lunch, when Sandy will be
44 here, we go back to a discussion about TMDs and the whole issue of mode splits



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1 because that's a long -- I think a more substantive discussion. And I think we need to
2 have her here quite frankly.

3
4 Deputy Staff Director ORLIN,
5 I suggest that strongly.

6
7 Councilmember SILVERMAN,
8 If that's all right.

9
10 Council President PEREZ,
11 That's fine.

12
13 Deputy Staff Director ORLIN,
14 In other words, we didn't cover number 5, but we will come back to 5 plus all of the
15 issues having to do with this in the staging elements.

16
17 Councilmember SILVERMAN,
18 Okay. So --

19
20 Councilmember SUBIN,
21 Ms. Praisner had her light on though.

22
23 Councilmember PRAISNER,
24 Yes, the conversations over the last week have led me to want to ask a question
25 relative to are there any or how many private roads are assumed within this? I said are
26 there or how many, if there are, how many private roads are assumed in this plan?

27
28 Deputy Staff Director ORLIN,
29 I don't recall there being any anything specific about the private roads or not, I think it's
30 up in the air in terms of what the Planning Board would decide to do when they review
31 the subdivision. That's typically where that decision is made.

32
33 Councilmember PRAISNER,
34 How do we make sure we don't create -- either in the zone or in the language, create
35 roads that do not adequately accommodate public safety vehicles?

36
37 Planning Board Chair Berlage,
38 Well, it is that that is a decision that's normally made at the Planning Board and I'm
39 aware of the concern. We always get input from fire and rescue on every site plan or at
40 least offer it and as far as I know, we always get written input, but based on what we've
41 heard recently, there is a heightened sensitivity to that issue and I plan to schedule for
42 the entire Planning Board a briefing on that subject. We'd like to invite fire and rescue,
43 anyone in the community who has issues about that so that the Planning Board can get
44 a full public briefing on the question and make sure that if we're overlooking something
45 we don't do that --



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1
2 Councilmember PRAISNER,
3 How is that scheduled in the context of when we're going to receive the report from OLO
4 on Clarksburg and the adoption of this plan?

5
6 Planning Board Chair Berlage,
7 Well, it hasn't been scheduled yet, but certainly it's the Council's desire that we expedite
8 that. We can do so. I see no reason why that couldn't be put together certainly within a
9 month. Perhaps sooner. Depending on fire and rescue personnel's availability.

10
11 Councilmember PRAISNER,
12 So, I'd like to kind of park that thought or issue to make sure that to the extent we
13 identify something that requires a statement or some kind of language that we
14 incorporate it within the plan.

15
16 Council President PEREZ,
17 Okay. Actually, Mr. Andrews is next.

18
19 Councilmember ANDREWS,
20 There is a -- on page 49, Glenn, it indicates that Maryland, under section 19 -- Maryland
21 355 Redland Road will have tolerable congestion with another left turn lane from
22 westbound Redland Road to southbound Maryland 355. There hasn't been a left turn
23 lane there for a long time, unless it was put back in recently. So, is this a plan to add
24 two left turn lanes at the intersection where there are currently none? Or what's the --

25
26 Deputy Staff Director ORLIN,
27 I'll have to check. My understanding was it was going to be a double-left turn lane --
28 after this it would be a double-left turn lane. I will have to check that.

29
30 Councilmember ANDREWS
31 I'm sorry.

32
33 Deputy Staff Director Orlin,
34 I will.

35
36 Councilmember ANDREWS,
37 Okay. I wanted to come back to the parking requirements for the zone and ask -- I know
38 the PHED Committee had asked about this and I haven't seen responses, at least that
39 I've seen in my packets on this. What is the current parking requirement, if nothing is
40 changed or altered, for development in the heart of the Metro area? What would be the
41 current parking requirement for residences?

42
43 Planning Board Chair Berlage,
44 I don't know. I'm sure there will be someone here soon, within five minutes --
45



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1 Councilmember SILVERMAN,

2 I will say, if I may, Mr. Andrews, we discussed this and we wanted to ensure that the
3 plan -- that the Planning Board had the authority, which they've assured us they do, to
4 waive parking requirements presumably based on a developer coming in and saying we
5 think people will self-select. And therefore, we don't need as much parking, you know,
6 as would be required, so to speak. And they have the authority to do that. We didn't
7 want to mandate that in the plan, because so much of it ends up being market-driven.
8 And didn't want to create a situation where we're drafting language in a plan where the
9 implementation of it, you know, may be four years down the line and depending on
10 what, you know, the market is, so to speak, might end up dictating the level of spaces,
11 but clearly there's an opportunity here for folks to put in less parking than would be
12 required by code. So the debate really -- or discussion in committee had to do with
13 ensuring that the Planning Board had authority to grant those waivers and, you know, in
14 the for whatever it's worth category, suggesting that they take it seriously.

15
16 Marlene Michaelson,

17 I do believe that the community also agreed that it's time for a comprehensive review of
18 the parking standards around Metro Stations, which is not been updated in many years.
19 And right now allow a waiver of I think about 10 to 15% of the parking requirements. It's
20 unclear whether that's still the right number or whether alternatives should be
21 considered. But if so, it's not Shady Grove specific. So, I think the committee asked the
22 Planning staff to do a comprehensive review and come back with an analysis of the
23 issue.

24
25 Councilmember ANDREWS,

26 Yeah.

27
28 Councilmember SILVERMAN,

29 Or part of -- if I may, also, part of the potential traffic mitigation measures, which we will
30 get to early afternoon, mandating that the developers mitigate 50% of their trips, could
31 envision restrictions on parking as one of the tools that, you know, would help move
32 towards that number. There's sort of a menu of things that they can choose, but that's
33 certainly what has been used in other buildings and developments to move people to
34 Metro.

35
36 Councilmember ANDREWS,

37 I think there are several advantages to restricting parking spaces. You encourage
38 people to move there, who don't bring many cars with them. You reduce the cost of the
39 development overall, which can reduce the cost of the housing because structured
40 parking, which would be used, I think, for most of the parking facilities here, certainly for
41 the multi-family units, I would think you're looking at structured parking for those. Are
42 expensive to build. If you can reduce the cost of the structured parking because you
43 have fewer, you know, fewer spaces needed, that should translate into a reduction in
44 the cost of the housing, as well. And that helps affordability. And it will reduce
45 congestion if you have fewer cars in this area. And you want to achieve all of that



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1 without having people being able to park off-site and causing problems for neighbors.
2 So, you really have to have an effective way to -- to limit the number of cars that people
3 are bringing with them into this community. But if you can do that, you've got lots of
4 advantages to it. And we're in such a strong position because so many people are
5 seeking housing in Montgomery County and there certainly are people that are
6 interested in living in a Metro Station, lots of people, that I think we need to push the
7 envelope when it comes to parking at Metro Stations. If we can't do it there, we're not
8 going to be successful anywhere else. So, I was really interested in -- in it that issue and
9 what the thinking is and doesn't have to be right now, but -- go ahead.

10
11 Planning Board Chair Berlage,
12 We agree with you, first of all. And we do push the envelope already. And we will push
13 the envelope in Shady Grove when those particular plans come to us. The -- as of now,
14 as of today, the standards are that being applied or that are being assumed in the
15 master plan are the existing standards --

16
17 Councilmember ANDREWS,
18 Does anyone know what the existing standards are?

19
20 Planning Board Chair Berlage,
21 We will talk about the standards specifically, she will in a second. But those can be
22 waived and the board is interested in discouraging vehicular traffic and so we are -- for
23 all the reasons you stated, we are interested in not having any more parking space than
24 absolutely necessary. We believe there are some parts of the county already where
25 there is essentially no other place, no place that people can park illegally or in an
26 unauthorized way and we have maximum leverage there to get the parking spaces
27 down to a minimum. There are other places where if we under park the project, what will
28 happen is people will park where they're not supposed to. So, when Shady Grove
29 comes to us, we would do an analysis based on the situation on the ground at that time,
30 as to how far we could push it. Karen will talk about the standard numbers though.

31
32 Karen Kumm Morris,
33 Okay. The parking ordinance has a different requirements for different parts of the
34 county and this is the northern central area and it has a set of standards, proximity to
35 Metro is factored in here. And actually what we are recommending in the sector plan is
36 to not use the northern central standards, but to apply the CBD standard parking rate to
37 this Metro-served area, which would require us to change the parking ordinance to
38 recognize that we should be using the southern area, proximity to Metro requirements in
39 our Metro-served areas, which helps reduce the parking standards right at Metro
40 Stations. So, that's what this plan is recommending.

41
42 Councilmember ANDREWS,
43 And those are?

44
45 Karen Kumm Morris,



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1 Oh, those are –

2
3 Councilmember ANDREWS,
4 I knew them last week, but it's a new week.

5
6 Karen Kumm Morris,
7 The office parking rate, if you're within 800 feet of the Metro, is 1.9 spaces per 1,000
8 square feet of office. From 800 to 1600 from the Metro, it's 2.1 parking spaces per
9 thousand. And if you're over 1600 feet from the Metro it will be 2.4. And so that's a
10 reduction slightly from the northern central standards, which is, again, over 1600 feet
11 from Metro, you'd be at a 2.9, almost a three-spaces per thousand. So, it's taking it
12 down a small percentage, but a helpful percentage. Also, there is an ordinance of
13 opportunity to apply mixed use standards. So, if a building has mixed uses in it, you can
14 factor the parking amount based on what is the highest requirement for parking during
15 the 24-hour period and make sure that you're achieving that parking but it does, when
16 you apply these two standards, you end up being a little less onerous than if you just
17 had to go with the highest, assuming 100% of office use, which is the highest parking
18 generator rate. So, in the ordinance there's factoring in for mixed use projects and
19 getting a little credit for that.

20
21 Councilmember ANDREWS,
22 Okay.

23
24 Karen Kumm Morris,
25 So, I think that, again, the sector plan is trying to say the minimum parking requirements
26 should be the maximum and we should be using the CBD, southern area standards, for
27 right at the Metro area. Which should be lower than what is currently applied to the
28 area.

29
30 Councilmember ANDREWS,
31 Okay. I think the area you'd have to pay close attention to in terms of potential spillover
32 parking would be the old Derwood area. I think that's the closest residential area where
33 there would be places where people might spill over into. So, you need to develop it
34 with that in mind and think about how you would anticipate and address that.

35
36 Speaker,
37 You have some in King Farm too, might.

38
39 Councilmember ANDREWS,
40 Yes, you might have some there. Although they'd probably have to go deeper in just
41 [INAUDIBLE] the condos at the edge.

42
43 Speaker,
44 This is often controversial as the projects come in for the actual site plans, how much
45 parking. But our standards are, I would say, pretty good. What Karen is basically saying



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1 is one space per each two employees or less. One space per unit and the possibility of
2 going half a space per unit. That's what the zoning ordinance would allow. That's not
3 necessarily what people come in for, but that's -- if you could meet that, that would be --
4

5 Councilmember ANDREWS,
6 Okay.

7
8 Speaker,
9 That would be pretty good, I would think.

10
11 Councilmember ANDREWS,
12 I'm satisfied that you're conscious of this and looking at this -- looking to minimize the
13 effect.
14

15 Deputy Staff Director Orlin,
16 Mr. Hardy has the answer to your question about the Redland/355 intersection.
17

18 Dan Hardy,
19 Okay. For the record, Dan Hardy, Transportation Planning. Today at the westbound
20 Redland Road at Maryland 355, there are two lanes and they're both are able, for all
21 vehicles, to go through, across 355. The left turns are prohibited except for buses only.
22 The recommendation is that we would be widening Redland Road to provide a separate
23 left turn bay that both buses and regular vehicles would share. This goes back a little bit
24 to the discussion about standards and using left turn prohibitions to help achieve
25 congestion standards. My understanding is that that prohibition dated back to about the
26 King Farm time, if not the King Farm study, where we had a tighter, lower congestion
27 standard in the area and that was one way to solve the congestion problem was to
28 prohibit the left turns. They're directed today to use Crabbs Branch Way and Indianola
29 Drive to make that left turn. One of the concerns in the community is they drive through
30 old Derwood.
31

32 Councilmember ANDREWS,
33 Right. And the language here says another left turn lane, which implies there's already
34 one for general traffic. You're saying there would be one left turn lane for buses and
35 cars.
36

37 Dan Hardy,
38 Correct.
39

40 Councilmember ANDREWS,
41 Okay. So it would be an additional lane -- there are two lanes now, both going straight,
42 only except for buses.
43

44 Dan Hardy,
45 Correct.



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Councilmember ANDREWS,

All right. One other question, that is about road classification and the recommended classification on 355. And we just talked about Redland Road being classified as a commercial business district for it's section -- for part between Crabbs Branch and 355. And 355 is currently classified in this part of the plan as a major highway, I think. And I wanted to understand what would be the benefits of classifying it -- keeping it that way versus classifying it as a commercial business district street.

Dan Hardy,

I guess that the question is to Glenn or to our staff. I mean essentially we recognize Maryland 355 is a -- you know, in almost every location that it travels through, it serves as much through traffic as it does traffic destined to or from that community. So, the key is to recognize its function as the major pipe, other than I-270, the I-270 corridor, whereas Redland Road, even though it carries some through traffic the real goal there is to serve the businesses, including the Metro Station, the activities there in the Shady Grove Sector Plan area.

Councilmember ANDREWS,

What I'm getting at, though, is how is it treated differently? What happens if it's classified one way versus the other in terms of its actual change in how its addressed?

John Carter,

There is no greater tension between urban designers and transportation planners on this kind of issue. I guess what we've come to --

Councilmember ANDREWS,

At least there is one of each at the table. At least you're in between.

John Carter,

And Nancy Floreen is certainly real familiar with this kind of issue. The commercial business districts allow closer spacing of intersections so if you're trying to create blocks in sort of a city way, you want to be in a commercial business district. Also, tighter turning radii. There are different standards for the commercial district streets. Those are the ones that create cities, really, the commercial businesses at least the best tools that we have. We have a whole list of them. Now, in this case we have examples like Wisconsin Avenue through Bethesda, around Friendship Heights, perhaps Colesville Road in Silver Spring. Those remain as major highways. So, we kind of finessed this, basically is what happens. You use the major highway classification put language in the plan that says we're going to have the tighter spacing and do the street things to it and that we've been able to accomplish that -- probably the best example is downtown Bethesda. Silver Spring is coming along. The on-street parking, it's those kind of things that make a city and that's why we use commercial business district classifications as much as possible. The major highway, these are state highways with a little bit less control than we have. They're not county highways, so, we're trying to overlay the



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1 highways with language in the master plans that talk about the tighter spacing of blocks
2 and the -- the better ways to furnish them. So, that's what this is. It is a compromise, to
3 a large extent, but hopefully we have the language in the plan that does that.

4
5 Karen Kumm Morris,

6 Yeah, the -- John is correct that these are the -- the commercial streets are the best
7 type of streets we have to create these urban areas. And Wisconsin Avenue, Colesville
8 Road, Georgia Avenue, Silver Spring, these were pre-existing streets and the difference
9 out in Shady Grove is we're creating a new place without the street grid system. And so
10 it will be finessing to try to use a highway classification that has wider intersection
11 spacing, requires wider spacing of street trees and all the design standards on their
12 turning radiuses, has higher speed characteristics to it to try to get waivers of that to
13 apply and create the kind of community we're envisioning here in this new place. And
14 because it is an existing highway, we're going to have to work hard to try to get the
15 characteristics that are described in here. Whereas if we had the commercial business
16 streets destination on 355, just within the Metro neighborhoods areas, -- you know, it's
17 not a preconditioned situation like in Bethesda or in Silver Spring, it would be easier.

18
19 Councilmember ANDREWS,

20 Okay. I think I understand the tension between the plan and the designers. Speed
21 versus -- versus pedestrian.

22
23 Deputy Staff Director Orlin,

24 It's not so much speed as it is capacity.

25
26 Councilmember ANDREWS,

27 Okay -- Capacity, right, and flow.

28
29 John Carter,

30 Page 75 is that block layout. There should be clarity in the plan that -- that you're always
31 talking to us about that shows what the intention is. Even with the classification that's
32 there. See that that has the block layout, which is going pretty far. We don't always do
33 this in a master plan.

34
35 Dan Hardy,

36 And on page 71 is where we've got the designated rights of way and named the
37 individual streets, not just an urban design layout, but a transportation layout for those
38 short blocks. And frankly, part of the tension is the county and state being involved in
39 different discussions. The state doesn't worry about the county standards for
40 intersections spacing. They have the same general tensions in their department, you
41 know, the fact that if the state highway means it's not our normal discussion with the
42 county as much as it is the state in terms of access. And be more progressive
43 sometimes in these sorts of --

44
45 Councilmember ANDREWS,



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1 Okay. Thank you.

2
3 Council President PEREZ,
4 Ms. Floreen.

5
6 Councilmember FLOREEN,

7 Thank you. I think that conversation kind of got to the -- some of the points I think that
8 were implicit in Ms. Praisner's concerns about local streets and I would ask that as we
9 get back to this, since Mr. Orlin was having trouble finishing his provisions of the road
10 code, it's only been three years now, Glenn. This is such a huge tension in terms of
11 urban design issues and community-serving streets and with -- and because the
12 roadway guys want traffic to move smoothly and quickly, they don't want some of these
13 other things, such as narrowed lanes, restricted turning radii and all of that, which many
14 communities want and come to us, actually, after the fact, to try to get retrofitted. And --
15 which is in direct conflict with what the state people want typically and you design -- you
16 roadway guys, you capacity people. So, I would ask that as we work through this, these
17 things be made part of the conversation because we had many arguments with the
18 county way back when over how wide a road really needed to be in an internal -- for
19 internal streets for a community, where -- there were alternative ways for safety vehicles
20 to reach properties. That was the key, of course. And it needs to be highlighted as -- as
21 an important element -- but not the only element in these design issues. So, if we can
22 get back to this and emphasize -- include that point in the exchange that would be
23 helpful. Thanks.

24
25 Council President PEREZ,
26 Mr. Knapp.

27
28 Councilmember KNAPP,

29 Thank you. One of the things that we are -- we think, as being discovered as you kind of
30 get through Clarksburg and I think that that similar issues -- the ability for public safety
31 vehicles to traverse, especially some of the private roads and given some of the sizes
32 that we're talking about of some of the buildings within this master plan, I was curious as
33 to -- we're going to need big public safety vehicles to get up and out of there. Ladder
34 trucks and all of that. How has that been taken into account?

35
36 Planning Board Chair Berlage,

37 Actually I think when you were out of the room we had that discussion a few moments
38 ago.

39
40 Councilmember KNAPP,
41 Sorry.

42
43 Planning Board Chair Berlage,

44 With Ms. Praisner. The staff will elaborate, but I indicated to her, that first of all, the
45 width of roads, and particularly private roads, is a decision typically made at the site



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1 plan stage by the Planning Board. We do get input from fire and rescue on every plan
2 and we always have, but we are aware of the sensitivities that have been raised in the
3 community and the Planning Board, in the near future, will get a special briefing from
4 our staff and fire and rescue staff to be sure that the Planning Board itself, as well as
5 the staff, truly understands what works for fire and rescue and what does doesn't. So,
6 the short answer is that's something we do in site planning. We will be sure we do it
7 more carefully than we believe we're already doing it.

8
9 Speaker,

10 Karen and I are probably the ones that carried the flag the farthest in this arena. There's
11 been, building up to this, and not just for Shady Grove, but Bethesda not too many
12 years ago and Silver Spring more recently and now places like Shady Grove, a lot of
13 time is spent with DPWT on setting up these task forces and coming up with the set of
14 commercial business district standards, which are fairly new in the road arena. The
15 ones that we have used have all been vetted through that process. They all have been
16 used in our -- in our central business districts. This -- to separate out the Clarksburg
17 kind of example, this is a little more attention to this because of the age of Silver Spring
18 and Bethesda. But a lot of attention has been spent on the widths of the roadways, not
19 just making up stuff and putting it up -- putting it on a piece of paper, but running it
20 through DPWT, going out and measuring, with a tape measure, so, these street
21 standards are part of our pallet of streets that we use in commercial business districts.
22 They are written, there are standards. Everyone's signed off on those. There is a big,
23 thick book, I don't know if you have that, Karen, but it's a big, thick notebook with
24 standards down to a lot of detail carried through by DPWT. So, I think you can be
25 assured an example like Shady Grove, where we're trying to replicate a central
26 business district that the fire and rescue and other utilities, all of those things have been
27 worked out.

28
29 Councilmember KNAPP,

30 I'm concerned that we're asking the right question. Less concerned from a Clarksburg
31 perspective and more what we're seeing with different design standards and the neo
32 traditional type of a community and commercial business district is are we -- I think
33 based on the conversation I've had with fire and rescue, until you start to navigate some
34 of the places, you don't know what does and doesn't work. Just to be sure that asking
35 the questions on the front end -- I think everyone has the best intentions, I just
36 oftentimes until it's on the ground and you start to drive that truck through, you didn't
37 realize it wasn't going to get there.

38
39 John Carter,

40 And these examples are tried and true, they have been used in central business district,
41 separate out from the more suburban locations like Clarksburg. This is the central
42 business district standard.

43
44 Deputy Staff Director Orlin,



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1 Right, okay. If I could add a comment, a couple of years ago when I started work on this
2 road code effort, I approached the fire and rescue service of the firehouse in Quince
3 Orchard and asked to go on a ride-along through Kentlands with their equipment. Which
4 we did. We went out there with a couple ladder trucks and a pumper and one other
5 vehicle, I can't remember what, and they were basically trying to show me how difficult it
6 was to get through the Kentlands. My observation was that it wasn't difficult at all except
7 where they were trying to make a turn at an intersection. And the problem there was
8 because the streets were narrow and because parking was allowed close enough to the
9 intersection, there wasn't enough room for the vehicles to turn into the other side of the
10 road's parking lane. And so that part of it could be easily, you know, -- well, not easily,
11 but could be addressed by essentially restricting parking further away from the
12 intersections enough so that the vehicles can straighten out. Otherwise the roads are
13 wide enough to carry this equipment. That was my conclusion for the ride-along. I'm
14 sure fire and rescue wouldn't agree with that, but the amount of time it takes for fire and
15 rescue equipment to go into a neighborhood from the firehouse, only a small proportion
16 of that is in the neighborhood itself. Most it is on on the highways and arterials getting
17 there. In terms of travel time, the key is being able to make the turns.

18
19 Councilmember KNAPP,

20 Right. That's what I want to be sure, there's a practical element there that sometimes
21 you don't know until you start to turn the vehicle, that you can't get through. I want to be
22 sure that everyone's at least well aware of it enough to be asking the questions on the
23 front end, if we design it that way. And we should be okay.

24
25 Deputy Staff Director Orlin,

26 And this is a lesser -- not as quite as desirable, but certainly older cities which grew up
27 in sort of the paleo-traditional neighborhoods, like Alexandria, they have smaller fire
28 equipment that does the job, but the size of the fire equipment to meet the streets, you
29 wouldn't necessarily want to do that here because you have firehouses which are
30 meeting different kinds of neighborhoods, but it is an approach that some have used.

31
32 Councilmember LEVENTHAL,
33 Mr. Andrews.

34
35 Councilmember ANDREWS,

36 I want to follow up on that same point. I think that's a very important point, Glenn, about
37 restricting parking in order to allow turning by large vehicles. Another associated issue
38 that is a general issue is the ability of someone who is turning on to a major street to
39 see past beyond above whatever is parked on the immediate left. And the ability to see
40 depends on the height of the vehicle. I think we need to look at whether we need a
41 different standard for trucks parking within a certain distance of a corner versus
42 passenger vehicles. This has been an issue at the airport, it may be an issue in other
43 places, certainly, where you have trucks parked at 15 feet of a corner, a person trying to
44 turn right can't see around the truck. It has to pull out in it's too late, to avoid a collision
45 in order to see to the left. You can see through some cars, SUVs, maybe --



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1
2 Planning Board Chair Berlage,
3 And the prevalence of SUVs have added to the problem.

4
5 Councilmember ANDREWS,
6 Yes, they're in between the passenger vehicles and -- and a major truck.

7
8 Councilmember LEVENTHAL,
9 The rise in gas prices may moderate that.

10
11 Councilmember ANDREWS,
12 They're going to be giving Hummers away soon, but -- but anyway -- I think we need to
13 look at a different standard for certain, you know, for trucks and on the commercial
14 vehicles within a corner. Where you've got people turning right or left. It's a real safety
15 issue. So, sidelines, I think, needs to be considered in here, too.

16
17 Planning Board Chair Berlage,
18 Yeah, those parking restrictions, of course, are restrictions placed by DPWT at the time
19 of -- we don't really set those, but DPWT does and can.

20
21 Councilmember ANDREWS,
22 I understand it's something we need to look at. But it's a significant issue and certainly a
23 public safety issue. And it's in issue all over the county in terms of this, so, it's not
24 particularly Shady Grove.

25
26 John Carter,
27 There's a design aspect of that, which is what we're talking about in the master plan, but
28 then there's the follow through, there's the operational aspects to the extent that you
29 want to pull vehicles back from the intersection or do some of these things -- different --
30 that's an operational aspect. There's only so far we can go in a master plan, but again
31 you can be assured that these are tried and true examples. Dan was pointing out the
32 one break from the standard is a wider street. So, I hope that's all right.

33
34 Dan Hardy,
35 The street be 190 feet right-of-way is not a typo. That's a -- a grand entry of urban
36 design, a treatment for that one street.

37
38 John Carter,
39 But these are different places. These are our business districts. These are tight
40 residential areas. It calls for a little bit different operations. Trucks will fit, it will work, but
41 you've got to have that in your notions in terms of how it operates to make it work. You
42 can't go screaming around at 50 miles an hour around corners in a place like this.

43
44 Councilmember ANDREWS,
45 Right, okay.



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1
2 Councilmember LEVENTHAL,
3 Okay, Mr. Chairman, what's next? Mr. Chairman?

4
5 Marlene Michaelson,
6 If I could adjust one item on the addendum number 2 we didn't get to, that I don't want
7 to lose sight of and that relates to the County Service Park amendments. So, if you can
8 find addendum number 2, page 6. I think we managed to cover everything else in the
9 addendum as we went through other issues, but did not touch back to these. And
10 basically this is a list of specific changes the committee is recommending on language
11 related to the County Service Park, it deals with everything from a stream on the
12 property, reforestation requirements noise mitigation strategies, public use space, public
13 versus private streets, size of the office, flexibility on the location of the library. And the
14 committee went through the requested changes and have specific recommendations
15 that appear on circles 50 to 51.

16
17 Councilmember SILVERMAN,
18 Okay.

19
20 Marlene Michaelson,
21 So it's the changes on 50 to 51 that the committee is recommending.

22
23 Councilmember SILVERMAN,
24 Okay. We've got a few of these items here. There was a small -- was there a small
25 disagreement on the first item, I think? On the stream? We -- right, the majority position
26 was to take it out entirely. There is no stream there. And so the plan had a reference to
27 re-creating the stream and so the idea was -- the majority position was that we did not --
28 we recommended taking it out entirely, Ms. Praisner wanted to indicate something to
29 the effect that a redevelopment should consider that a stream once existed. So, I think -
30 - yeah.

31
32 Councilmember PRAISNER,
33 It's there, it's underground.

34
35 Councilmember SILVERMAN,
36 Underground hidden stream. Okay.

37
38 Planning Board Chair Berlage
39 Like Silver Spring?

40
41 Councilmember SILVERMAN,
42 Okay, under forest conservation. Nobody could figure out what the definition of forest
43 reserve was. Doesn't apparently exist. Rather than try to come up with a definition of a
44 reserve, forest reserve, we just stuck with reforestation areas. We took out the term
45 significant in front of forest buffer because nobody was sure what significant was --



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1
2 Councilmember ANDREWS,
3 Steve, what page are you on?
4

5 Councilmember SILVERMAN,
6 We're on circle 50 of addendum 2 of the September 12 work session packet. So, there
7 will still be a forest buffer, but we didn't want to use the term significant because that
8 was too unclear. Under noise, which is the third and fourth bullets, under noise, we
9 didn't want to specify noise walls along Shady Grove Road because we wanted to
10 provide flexibility to the Planning Board in terms of the development so we changed it to
11 incorporating noise mitigation strategies, which does not preclude noise walls, but
12 doesn't mandate them, either, and we took out the language that required noise berms
13 for the same reason. Which is provide maximum flexibility to use any of these tools but
14 for us not to sit here and mandate a specific remedy, which may or may not be the
15 remedy that makes any sense at the time.
16

17 Councilmember LEVENTHAL,
18 Okay, no lights.
19

20 Councilmember SILVERMAN,
21 All right. Local street network, rather than get into commercial business street standards
22 with 70-foot right-of-ways, we changed the language to say that at the time of
23 preliminary time reviews specific street location shall be, and we added language that
24 required that right of way are needed to ensure emergency vehicle access. Ms. Floreen
25 did not think that should be included because she indicated that the sector plan should
26 not approach this level of detail. All right?
27

28 Speaker,
29 Okay.
30

31 Councilmember SILVERMAN,
32 108. We took out the mandate for curbside ornamental street lighting, although
33 everybody loves it, I was in the minority because I really love it. No. Because -- because
34 I thought it was fine to leave it in. So, it's not a big deal. It sounds like everybody wants
35 to have it, anyway, the developer, if this ever becomes their plan, wants to do it anyway,
36 so -- but that specific mandate or level of detail was taken out. And under library
37 services, we changed the language from providing shared parking to pursuing shared
38 parking with adjacent development. It could be commercial. It could be some other type
39 of development. And we put in a specific line and this goes back to our discussion about
40 public space yesterday, to incorporate that under the library services, incorporate
41 additional meeting space in the design if needed to meet community needs. So, we --
42 that would take place at the time of the review of the library program of requirements. Is
43 that it, Marlene?
44

45 Council President PEREZ,



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1 No lights.

2
3 Karen Kumm Morris,

4 So then that takes us back to historic preservation in the main packet, the large packet

5 –

6
7 Councilmember SILVERMAN,

8 Page 52. Main packet. Okay, we're supporting the plan recommendations. You want it
9 back? All right. I know Subin took mine.

10
11 Councilmember SUBIN,

12 I read it for you too.

13
14 Councilmember SILVERMAN,

15 All right, we had a discussion about designations not being made in the sector plan as
16 typically has been the case. Did we ever get any information about the timeframe?

17
18 Marlene Michaelson,

19 Yes, it's -- the -- what follows below is, I believe, -- you know, what you were asking in
20 terms of what happened. I turned it back to planning staff to see what the future
21 timeframe is. They don't think there's anything immediately planned in terms of these
22 designations.

23
24 Councilmember SILVERMAN,

25 But we're supporting with the Planning Board had indicated, and did we acknowledge
26 the historical significance of Washington Grove?

27
28 Marlene Michaelson,

29 The Committee did not take any action on that and, you know, I -- I think there are -- it
30 would be easy to –

31
32 Councilmember SILVERMAN,

33 The Councilmember from Washington Grove looks puzzled. No, I am kidding. Okay,
34 next item: Environment. We delete, -- and I actually have to go back to the plan,
35 whatever the first bullet was on page 93, we took it out. Since the law requires
36 compliance with the forest conservation law at the earliest stages of the development.
37 Oh, right, we took out the line that said "integrating compliance with the forest
38 conservation law at the earliest stages of the development process." I guess we were in
39 an editing mood. Right. All right, so that's out. Water quality and storm water
40 management. We've replaced the word "land" with "streams." it's streams in the Upper
41 Rock Creek watershed. Okay. We have to get that nailed down. And we deleted
42 references to application of low impact development techniques being encouraged and
43 replaced recreate with rehabilitate -- and then we subsequently –

44
45 Marlene Michaelson,



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1 Right, exactly, took this out –

2
3 Councilmember SILVERMAN,
4 Right –

5
6 Marlene Michaelson,
7 To -- You need to recreate nor rehabilitate –

8
9 Councilmember SILVERMAN,
10 Sentence is inoperable. All right. We -- well, let's see, I think that's it.

11
12 Marlene Michaelson,
13 Move on to workforce housing is the next issue.

14
15 Councilmember SILVERMAN,
16 Okay. All right. Page 54. Workforce housing. Okay, recognizing the fact, we do not yet
17 have a workforce housing program, much less guidelines, and also recognizing -- But
18 recognizing also that we are not voting on the master plan in Shady Grove until
19 probably November. We nonetheless are requiring workforce housing on publicly-
20 owned land in the TOMX zone and the bottom line is what's in this box, which basically
21 says what the requirement would be for additional nonmarket rate housing. So it would
22 produce -- this is within the density envelope of the 6350 units overall and in this case,
23 the 3591 projected potential units that are total housing. So, it's within that window
24 envelope. And we will have legislation that will be introduced in the next couple of
25 weeks to start a specific discussion about definitions of workforce housing, but since
26 we're doing the Shady Grove master plan and there's such an astronomical upzoning in
27 this area and an opportunity to do something other than a -- the traditional 85% market
28 rate, 15% MPDU approach, that the committee wanted to see more affordable housing,
29 in this case, more of a sliding scale. To remind folks at least for purposes that this
30 narrow discussion about the target for workforce housing, it's -- it probably could be
31 easily summarized by saying if MPDUs user capped at a single teacher being able to
32 qualify for an MPDU based on their salary, then workforce housing would cover two
33 teachers.

34
35 Council President PEREZ,
36 Mr. Subin.

37
38 Councilmember SUBIN,
39 I think Mr. Silverman just answered my question. Because I'm just concerned about how
40 the pricing of those is -- is going to be controlled, given what's happened in the market
41 and what drives the prices of what's a moderately-priced residence as opposed to a
42 market price residence and it's all relative. But if it's going to be publicly owned and
43 publicly constructed, then –

44
45 Councilmember SILVERMAN,



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1 No, no, no it's not.

2
3 Councilmember SILVERMAN,

4 No, it will -- it would have the same constraints as the MPDU program has, which is we
5 set the regulations for how high the income qualifications are and the Department of
6 Housing Community Affairs sets the actual price of the units, based on those caps or
7 maximum caps that we approve to the regulatory process for income level. So right now
8 the MPDU numbers, I think, are about \$170,000 for a townhouse.

9
10 Councilmember SUBIN,

11 The price of building material goes up, which I expect it to, then how -- how do you have
12 any kind of control and who's going to build it?

13
14 Councilmember SILVERMAN,

15 Well, the --

16
17 Councilmember SUBIN,

18 If you've capped the cost of a residence, and a developer says -- or a builder says I
19 can't do it for that price, where does that take you?

20
21 Councilmember SILVERMAN,

22 You would end up doing what's happened in the MPDU arena, which is you end up
23 raising the cap on the income level.

24
25 Councilmember SUBIN,

26 Right. [INAUDIBLE] one teacher can't afford it.

27
28 Councilmember SILVERMAN,

29 Well, one -- well. The -- it's been set -- our MPDU numbers have been set at starting
30 teacher salaries, for an individual. That has been what the department has historically
31 recommended. So if you're looking at workforce housing, you'd be looking at setting
32 numbers that are nowhere near market rate incomes. In other words, we're not talking
33 about the \$500,000 town home scenario.

34
35 Councilmember SUBIN,

36 Well, I understand, Steve, but given what's happened to the price of oil and everything
37 it's used for and given what is going to happen to the lumber and plywood and steel
38 markets down south, it is going to cost a considerable amount more to build a house
39 and if so, how are the same people going to be able to afford that homeownership? If
40 it's difficult now and those prices go up, then what do we do? Or how do they do it?
41 Unless we build the houses and at least in the near-term -- I'm not saying I'm in favor of
42 this, but an option is that we build the houses with -- with the housing initiative fund
43 money and we rent them out, which then says that homeownership in the short-term for
44 those folks is -- is a nonreality.



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1 Councilmember SILVERMAN,
2 In well, there's no question about the fact that it's a much broader discussion than
3 Shady Grove.

4
5 Councilmember SUBIN,
6 Right. It's -- it's a discussion that's going to affect the school construction program and
7 everything else that we do.

8
9 Councilmember SILVERMAN,
10 Right. Sure.

11
12 Council President PEREZ,
13 Ms. Floreen.

14
15 Councilmember FLOREEN,
16 I just wanted to interject, it is a challenge to have this conversation without the
17 legislation. But that opens up --

18
19 Councilmember SILVERMAN,
20 Stay tuned.

21
22 Councilmember FLOREEN,
23 But that opens up new realms for debate, but the issue really was to tie this to median
24 income. I think that's the theoretical objective. The other thing in here was because of
25 those kinds of issues, to link it to the publicly-owned land, because that is where we are
26 adding value to our own property -- or to publicly-controlled property, and that is the sort
27 of thing that serves the public purpose of the different public agencies involved. So, it --
28 these are all huge issues when we talk about a program that hasn't been fully defined.
29 At least my understanding or my hope would be that the solution would be to -- to -- at
30 least, for this initial effort, to tie it to the publicly-owned land because that can be
31 negotiated as part of our ownership program.

32
33 Council President PEREZ,
34 Ms. Praisner was next, then Mr. Leventhal.

35
36 Councilmember PRAISNER,
37 I think this is an important issue for all of us. We're trying to take a stab at it, as Ms.
38 Floreen said, in the context of adopting a master plan without the structure as the
39 Planning Board raised concerns for us. That's why of the options we chose the option
40 that we did. That's what Nancy just said and I think that's what Steve said from a
41 standpoint of publicly owned land and -- but the legislation would then apply it to a
42 TOMX zone and if you rezone for TOMX, then the folks will know that our intent is that
43 that zone carry workforce housing requirements. What it looks like is yet to be
44 determined. It may be, and this is why I put my light on, it may be that we have to
45 modify the way it is presented within the master plan because I think no matter how long



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1 -- how much time we take, the master plan will precede the legislation and we will
2 probably need language that says it's the intent of the Council to implement a workforce
3 housing program and to apply that program to publicly-owned land and the TOMX zone
4 and that would be the only language within the master plan because you can't -- you're
5 not, in essence -- you can't deal with what you don't have as yet.

6
7 Marlene Michaelson,
8 Unless the Council somehow approves the legislation before taking action on Shady
9 Grove, the language in the plan would have to be broad, as you've suggested.

10
11 Council President PEREZ,
12 Okay, Mr. Leventhal was next.

13
14 Councilmember LEVENTHAL,
15 I'm not clear on how much of the different neighborhoods that we went through
16 yesterday, Metro, north, east, west, south, will be zoned with this new zone. Can
17 somebody tell us me that?

18
19 Karen Kumm Morris,
20 Certainly. Looking at the map, the TOMX zone would go all the way up to Shady Grove
21 Road in it the entire County Service Park on down to Redland Road at the WMATA
22 properties and on the west side of the Metro, all of the Metro west and the Metro south
23 neighborhoods, so, those would be the TOMX zones that this would be applying to.

24
25 Marlene Michaelson,
26 In it's basically most of the new development, other zones are being used in properties
27 that are smaller properties, recommended for potential redevelopment.

28
29 Councilmember LEVENTHAL,
30 Okay. And of the land which is today owned by the county, how much of that is in the
31 new zone? The service park?

32
33 Marlene Michaelson,
34 All of it.

35
36 Councilmember LEVENTHAL,
37 All of it?

38
39 Marlene Michaelson,
40 No. The County Service Park?

41
42 Karen Kumm Morris,
43 Actually the entire acreage of public land in the Shady Grove Sector Plan is 264 acres.
44 We're only recommending about 150 of it be redeveloped --
45



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1 Marlene Michaelson,
2 But in the County Service Park, it's the entire County Service Park.

3
4 Karen Kumm Morris,
5 Right. But there is also WMATA public land, as well. That's 150 acres.

6
7 Councilmember LEVENTHAL,
8 Well, I know the Planning Board sent me information on this, I haven't actually had a
9 chance to read the fax that I was sent. So, I will read that before I comment more. One
10 of the questions that I have, there are a number of questions, Mr. Subin raised, that are
11 important, about, you know, can we afford to provide this? My question is can we afford
12 only to provide this percentage or is there any way that we can look at -- someone has
13 to walk us through in some detail, I think, the math of -- well, what is in my mind and I
14 mentioned it to you last week when we met is when we talked about the 32-acre site
15 and the Olney master plan, we ended up with a 75% below market rate requirement.
16 Now developers are going to say fine, forget you. We're not going to do it. More than 50,
17 had to be the majority.

18
19 Speaker,
20 Yeah.

21
22 Councilmember LEVENTHAL,
23 Yeah, yeah. And so -- you know, are we -- are we asking for enough here and are the
24 economics such that if the private developers don't want to do it, maybe HOC was able
25 to do it? That's a question that I would raise if we're taking public land, are we getting
26 the max benefit for affordable housing?

27
28 Marlene Michaelson,
29 The major difference between this property and Olney is, in Olney we were basically
30 giving the land to a developer at no cost, in this situation here, although they would not
31 pay for the land, if there is a requirement to build the County Service Park somewhere
32 else, that is going to be a tremendous expense --

33
34 Councilmember LEVENTHAL,
35 A swap.

36
37 Marlene Michaelson,
38 Exactly. It's not like they're getting the land at no cost and those are the things we have
39 to balance.

40
41 Councilmember LEVENTHAL,
42 Okay. But -- okay, okay. Now, the TOMX zone is going to apply to -- not -- the in fact it's
43 publicly-owned land is incidental. It's being created to achieve a certain effect around
44 the Metro Station. So, it probably wouldn't make sense to tie a higher housing
45 requirement to that zone, if we were making -- I'm just thinking out loud here. If you



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1 follow what I'm saying that we want to squeeze as much affordable housing as we can
2 out of publicly-owned land, and I heard what you said. This zone would not be the way
3 to accomplish this because presumably the zone may apply in future to other areas that
4 may not involve publicly-owned land.

5
6 Councilmember SILVERMAN,

7 If I may, to the extent that the County Service Park is publicly-owned land, there is
8 nothing that precludes the Executive Branch and then the Council from structuring a
9 deal on the County Service Park that says, you know, this is what the master plan
10 envisioned, it envisioned 10%, but tell us what the cost benefit analysis would be if it
11 was 20% workforce housing. And it will be a cost benefit analysis, so, the answer may
12 be sure, you can put in more workforce housing, we will be happy to build it and it will
13 cost you "X" numbers of dollars because we've now taken out "X" number of market
14 rate units which would have been sold. So, the master plan doesn't preclude the
15 possibility of the Council and the Executive Branch getting more workforce housing
16 units out of the property that we own. The issue with regard to WMATA, which is not our
17 property, is -- and where the 10% sort of comes from, is a very similar economic
18 analysis, excuse me, that we had in connection with MPDUs about what the costs
19 associated and the workforce housing numbers, you're talking about selling units at 300,
20 325, examining something in that range, are at best, referring back to Mr. Subin's
21 comments about construction prices and land prices, are at best probably a break-even
22 proposition. And that's why we didn't want to suggest it would be a higher number for
23 property we didn't control, recognizing that on the publicly-owned land, this is a
24 benchmark for us, it could end up being a higher number depending on what the
25 Executive Council negotiate.

26
27 Karen Kumm Morris,

28 And the numbers you were asking about, Mr. Leventhal, on just the County Service
29 Park, we did have the 10% workforce housing contractually required on the County
30 Service Park plus the MPDU bonus density, we would have 560 affordable units on the
31 County Service Park.

32
33 Council President PEREZ,
34 Mr. Subin.

35
36 Councilmember SUBIN,

37 Well, the longer this discussion goes on, the more problem I'm having with this. First of
38 all, this TOMX zone is not just for publicly held land, right?

39
40 Councilmember SILVERMAN,
41 Correct.

42
43 Councilmember SUBIN,

44 Okay. So you set up this TOMX for nonpublicly held land so now what controls at all do
45 you have on what goes there? Besides none?



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1
2 Marlene Michaelson,
3 Mr. Subin will actually be doing the zone after this –

4
5 Councilmember SUBIN,
6 One more zone, I thought we were going to try to cut back on the creation of new
7 zones.

8
9 Councilmember SILVERMAN,
10 That was Nancy's original fantasy four years ago, but she's moved to to the road code.

11
12 Marlene Michaelson,
13 We will -- we'll address that point specifically when we get to the zone because I know
14 that is an issue, a threshold issue. In terms of the workforce housing component, the
15 zone that you're going to see today does not have a workforce housing component. It's
16 only after we introduce legislation, workforce housing legislation that we'd be able to
17 add something. We can't put it in the zone until we have the program. So –

18
19 Councilmember SUBIN,
20 All right, so, let me get this straight. We're going to deal with an EMAC that may or may
21 not be moving to some place or some no place, to be replaced by a something which
22 may be a this or it may be a that. Now, now we're going to put in a zone that has the
23 rationale of adding of a public purpose, which I agree with, which is adding workforce
24 affordable MPDU –

25
26 Councilmember SILVERMAN,
27 Let's stop right there. You were perfect up to that point. We're not putting in a zone that
28 has any workforce housing component –

29
30 Councilmember SUBIN,
31 All right.

32
33 Councilmember SILVERMAN,
34 The zone is what they sent over to call this a transit-oriented mixed use zone.

35
36 Councilmember SUBIN,
37 In which case –

38
39 Councilmember SILVERMAN,
40 That's where TOMX comes from.

41
42 Councilmember SUBIN,
43 In which case you plan to take the public portions of that and add density for the public
44 purpose –
45



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1 Councilmember SILVERMAN,
2 Okay, we're not actually –

3
4 Councilmember SUBIN,
5 Of workforce housing.

6
7 Councilmember SILVERMAN,
8 Again, slightly incorrect, we're not -- no, no, we're not adding density –

9
10 Councilmember SUBIN,
11 Slightly incorrect, that's the best I've done in months.

12
13 Councilmember SILVERMAN,
14 We're not adding density. We're not adding density. What we're saying is the Planning
15 Board made recommendations about the total housing, that's in the box here of 54, that
16 there are 3591 units that could be at the maximum zoning envelope for total housing in
17 these zones, both what we own and what WMATA owns. And what the committee was
18 saying is we didn't want to continue this 85/15 split scenario of MPDUs and market rate,
19 we want to get middle class housing. We said don't increase the density. We just want
20 to take a piece of the density that you recommended, this 3591 and we want to make a
21 piece of that workforce housing.

22
23 Councilmember SUBIN,
24 But what happens if you can't get the workforce housing? Does that density stay or not
25 stay?

26
27 Planning Board Chair Berlage,
28 I might -- Mike, I may be able to help. Imagine two pieces of land, both zoned TOMX.
29 This piece of land is owned by John Smith, a private person.

30
31 Councilmember SUBIN,
32 Is that the guy that who works for Phil?

33
34 Planning Board Chair Berlage,
35 No, different John Smith. This guy is subject to the normal standards of the TOMX zone,
36 has to have MPDUs like everybody does, but that's it, no workforce housing. This piece
37 of land is owned by Montgomery County, also zoned TOMX, almost subject to the
38 TOMX standards, also subject to the MPDU law, but the owner, Mr. Montgomery
39 County says if you want my land and want to develop it, I will insist in addition to what
40 the zone requires, I'm going to insist that you build 10% workforce housing because
41 that's the only way you will get my land because that's what I want on my land. And then
42 if there's a problem, then it becomes a negotiation between the Executive Branch and
43 whoever the developer is, but the master plan says we expect the executive to get 10%
44 workforce housing.



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1 Councilmember SUBIN,

2 But suppose the developer says I can't build you a house, no matter what I do to strip all
3 the amenities out, okay, I can't even -- the only walls I will put in are structural walls. If
4 these people want bedrooms, they're going to have to put up office dividers because we
5 can't afford the material to do that.

6
7 Marlene Michaelson,

8 Since this is going to be a bidding situation, I suspect what will happen is that the
9 developer will say here's my price and if you want workforce housing it goes -- you
10 know, and he finds the situation you just described, the price will be higher. It's going to
11 be a negotiation between the county and the bidder.

12
13 Councilmember SUBIN,

14 No, no.

15
16 Marlene Michaelson,

17 And so the price may be go up as a result.

18
19 Councilmember SUBIN,

20 I'm not saying no to it will be a negotiation. I'm saying no to the fact that conceptually
21 we're creating a new zone and new circumstances to get us to the same place we are
22 today. Which is that it is a myth that we can have that kind of housing constructed in
23 Montgomery County under current conditions. Forget the conditions that are going to
24 exist in a month. Forget the conditions that are going to exist when on July the 1st
25 MCPS goes out and says here are the schools that we're going to want built next year.

26
27 Councilmember SILVERMAN,

28 Can I take a stab at that, Mike? I mean I think you're correct, let me just take a stab at it.
29 If it costs -- and, you know, this a longer discussion, which we'll have in the context of
30 some legislation, as opposed to the master plan, but having said that, if the cost of
31 building a unit is \$325,000 -- or let's just say \$300,000 and you set the regulations to
32 say we want to be sure that people have an income level that will allow them to get that
33 kind of unit because they can't afford the \$600,000 market rate unit. So, let's say that's
34 the case. What we have been told in general by the industry is that's basically a break-
35 even point. So let's fast-forward and say housing -- construction cost increase.
36 Construction cost will increase across the board and you will end up with higher prices
37 for market rate units -- I mean we're taking a high-rise building here and basically say
38 the cost is going to go up whether it's a market rate unit or it's going to be a workforce
39 housing or an MPDU unit. And so what will end up happening is the same thing that
40 happened in the MPDU arena. Which is the cost of that workforce housing, and it will
41 end up being more expensive than what today's market prices would be for it, but it
42 would still be substantially less than what the market rate unit would be. So, you could
43 have a scenario in the future and workforce housing, instead of it being \$300,000, it
44 would be \$400,000 and you'd end up with market rate units being, you know, \$700,000
45 instead of \$600,000. That's as a practical matter, what's happened with the MPDU



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1 program. Now it's \$170,000 that they're -- that the department is saying is the maximum
2 for an MPDU. Well, it certainly wasn't that a few years ago. Land prices are up and
3 construction costs are up.

4
5 Councilmember SUBIN,

6 Well, I don't want to take the Council's time forever on this, but what I will say is --

7
8 Councilmember SILVERMAN,

9 I was just going to say, this is not -- this is the -- this is hardly the end -- let's see,
10 someone once said it wasn't the beginning of the end, it's the end of the beginning.
11 There you go, your man, Winston.

12
13 Councilmember SUBIN,

14 My man. Where's my cigar?

15
16 Councilmember SILVERMAN,

17 The beginning of the end --

18
19 Councilmember SUBIN,

20 Now I forgot what I was going to say. You did that on purpose.

21
22 Councilmember SILVERMAN,

23 Not even the end of the beginning.

24
25 Councilmember SUBIN,

26 My concern is this. We are going to visit, on paper, a much higher level of density than
27 the community would prefer. And we're going to do it by saying we're justifying this with
28 a public purpose in mind. And that public purpose is the provision of MPDUs, workforce
29 housing, affordable housing, and I suspect by the time TOMX is over, there will be
30 another type of housing and what's going to happen is forces are going to drive the
31 price of housing above the level that a single teacher or a single firefighter or a single
32 police officer with afford. So you end up in a never-never land where the houses are not
33 market rate houses and -- and so the builders aren't going to want to build them and
34 they're above the -- the place where the teacher -- the single teacher can afford them.
35 And so what's going to happen is all of that goes away. You end up with mostly market
36 rate housing and the additional density. The public purpose has not been met. We're
37 disappointed and the citizens are up in arms. And it ends up being a complete lose-lose.
38 That's what I like about being ignorant. All of your colleagues get frustrated with you.

39
40 Councilmember SILVERMAN,

41 How did you mean that, Denis? He's not ignorant or you don't get frustrated?

42
43 John Carter,

44 Maybe Mr. Carter has the ability to set the prices now, just like in the MPDU program,
45 but this will be a requirement for the optional method. If you don't have the 10%, if you



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1 don't have the MPDUs, you will not get the optional method. You will be there with the
2 standard of efficacy. You won't get the density unless these projects come in and meet
3 whatever standards the Council sets on workforce housing and MPDUs. That's the way
4 this is structured. As usual you asked the penetrating questions.

5
6 Councilmember SUBIN,
7 Well, as usual you got to the heart of the matter.

8
9 Councilmember SILVERMAN,
10 If I may, what we're also trying to do here is, look, in balancing out all of these
11 competing interests in Shady Grove, which is part of why it took 18 meetings, was
12 you're absolutely correct. We had folks who wanted to support the planning staff
13 recommendations for density. The Planning Board rejected that and sent us over 6350
14 units. The committee's position was, well okay, if we're going to agree with the Planning
15 Board's density suggestions, which I don't want to put words in your mouth, Derick,
16 which I believe, thinking back to the beginning of your presentation months ago, was
17 driven by smarts growth, transit-oriented development, this is the place you're going to
18 put housing if you can put housing and that's why they opted for the higher number.
19 Well, that's all well and good, but the question is okay, can we take what they did and
20 make it a little better? And the little better is to say can we get more of a public purpose
21 than just the fact that we have more units? And it's my personal view that when we have
22 opportunities that present themselves for us -- just as we did -- oh, he's gone -- just as
23 we did in Olney to say on those 32 acres that we're going to get more than just the
24 85/15 split, that we take advantage of those opportunities and this is the best place to
25 do that. Otherwise what we're doing, if we don't move in this direction, my opinion is it's
26 creating the once in a lifetime opportunity for the few people that will latch onto an
27 MPDU and basically saying to the two teachers, for example, go to Frederick because
28 you're buying in Montgomery County because there's nothing you could possibly get
29 your hands on. So, that's where the workforce housing piece came from in connection
30 with Shady Grove is let's have more of a public benefit if the density is going to be there.

31
32 Councilmember SUBIN,
33 I don't want to belabor this but wouldn't -- and I'm not sure this is the time to address it,
34 but wouldn't we be better off looking at -- at some ways to get the two teachers a house
35 and -- and the two firefighters? And the two police officers?

36
37 Councilmember SILVERMAN,
38 You mean specific -- you mean specifically public service -- Public employees --

39
40 Councilmember SUBIN,
41 Public service or -- or whatever else, because you know now, we're saying yes to the
42 one teacher but if -- if you happen to do the silly thing, like marry another teacher or
43 have another teacher as your significant other, or a beginning teacher and a beginning
44 firefighter, the heck with you, you're out of here. You're up to Frederick or West Virginia
45 and now we're going to add you to the traffic on 270.



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1
2 Council President PEREZ,
3 Mr. Andrews. I don't know if you were done, Mr. Subin?

4
5 Councilmember SUBIN,
6 Yes, sir.

7
8 Council President PEREZ,
9 Mr. Andrews is next. Then Mr. Knapp.

10
11 Councilmember ANDREWS,
12 Yeah. I think -- I think Mr. Subin raised very important points. I think it's -- a couple of
13 thoughts. I think we have to remember that sometimes when we talk about housing we
14 forget about rental housing. We forget that, you know, apartments have traditionally
15 been entry housing and that it is then unusual throughout most of our country's most of
16 our recent history for an individual in their 20s to be able to -- able to afford a, you know,
17 a single family home or even a -- in some cases a town home. That -- I think our
18 standards need to be a little more realistic and we need to look at rental housing as a
19 critical part of housing for people who are single, for people who are starting out and
20 young couples and that standards for owning town homes, single family detached
21 homes, normally would require two incomes under almost any circumstances.
22 Particularly for government employees, who are starting out in their 20s. So, I think that
23 we're not paying enough attention to the importance of rental housing as getting people
24 in, allowing them to live close and while there's no doubt great desire understandably to
25 own a home as early as possible and get in before prices keep going up. It's a difficult
26 standard. It's difficult to argue, I think, that it's reasonable to assume that someone just
27 starting out, 25 years old, one income, should be able to afford a market rate home. And
28 so I think if you want to attack that issue, I think you need to attack it very directly, as
29 Mr. Subin is suggesting. But I think we have to remember that rental housing is a critical
30 part of the mix for many people, including many by choice who don't want to own, but
31 especially for people who are starting out in their careers. Now, I don't know we really
32 haven't gotten to the discussions as far as I can remember to what the expectations are
33 to what percent of the units here are likely to end up being rental housing, you know,
34 one-bedroom rental homes for example, rental apartments.

35
36 Karen Kumm Morris,
37 We can't really make an estimate on that because these zoning ordinance and Planning
38 Board can't determine what will be condominiums or a rental apartment, multi-family
39 unit, but we have made a stab at trying to ensure that the size of these units are family-
40 friendly sizes by our dwelling units per acre recommendations. And our F.A.R.
41 requirement. We're trying to size the unit so that families can live in apartments, but we
42 can't dictate to the marketplace.

43
44 Councilmember ANDREWS,



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1 I understand. I think there's a demand for single apartments, as well. I wouldn't
2 discourage that. But I understand that term by what the proposals are. I think single
3 apartments are a good thing. Go ahead.

4
5 Councilmember SILVERMAN,
6 And then there were -- Ms. Floreen.

7
8 Councilmember FLOREEN,
9 Thank you. I -- it's -- if you look at -- well, we all know what the county looks like, but
10 when you think about it, Shady Grove is more or less its exact center, isn't it? With 270,
11 the end of Metro, MARC Train Stop, the corridor city's transit way, ultimately the ICC is
12 going to come in here. We are adding extraordinary value to this land. And we just have
13 to -- and -- and it is really the last new city or corridor city, more or less, that this county
14 looks at. And every time we have a text amendment, we drive up the cost of land
15 because we've made it harder or more complicated to build on that. Let's -- let's admit
16 that. But the object is to serve some sort of public purpose and I think here we have to --
17 regardless -- if we didn't have a workforce housing component of some sort here, this
18 will get constructed to these densities at some point. And if we don't say this is a priority,
19 we're just -- we're just not going to get it, period, that's the end of the conversation. And
20 these things are true every place in the county at this point, where we add value to
21 existing land. The tension is, is realistic to expect it would happen right now? Given the
22 cost of whatever is going up? Maybe, maybe not. But we don't as government say that
23 this is a priority, it needs to be addressed we're never, never going to get it. And the
24 challenges because of the kinds of issues that have been identified -- the lack of clarity
25 about this has at least led the committee at the outset to say, well, the best we can do at
26 this point is to require it on the land for sure that we know we control. The government.
27 That the public controls. In terms of the conversation. If we don't say it, we won't ever,
28 ever obtain it. That's the fundamental policy issue. For a land that will be extraordinarily
29 valuable. If this all works, keeping in mind it's the 20-year plan. If it works, the public will
30 benefit, the trade-off will be our part of the posse trade-off you make in any series of
31 decisions. But at least when you are looking at density, I think we need to come to the
32 conclusion that there needs to be -- the government needs to have a role in establishing
33 some price elements that will make housing affordable at a range of incomes. Now, of
34 course the details aren't here and that's the complicating part but if we don't say it here,
35 we're never going to get anywhere with this issue. And I really think that has to be the
36 driving consent. There are a gazillion other kinds of things we're looking at in terms of
37 subsidies, in terms of rent issues, in terms of condominium conversions, in terms of
38 construction, so, keep in mind this is only a piece. But it is a first step in that direction
39 and I think it's -- it's a kind of thinking that should guide our activity elsewhere, but this is
40 the last really big hunk where we're seeing significant changes in density for good policy
41 reasons. If we don't draw a line and say we've got to do it, we're not going to do it. So, I
42 think that's the rationale. It's unfortunate that it's -- it's not all flushed out -- flushed out,
43 but at least there is more than we would have had otherwise and I think that's -- that's
44 an achievement. The issue with Shady Grove is it's intended to be creative. It's intended
45 to offer flexibility and, of course, what we know at this point is that we need to have



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1 probably better guidelines for implementing this than we've had in the past. It's going to
2 be complicated. Sure. But you're not going to get anywhere if you don't stop.

3
4 Councilmember SUBIN,

5 I don't necessarily disagree with any of that. My problem simply is: Our past attempts to
6 provide housing for people who serve this county and who do the work has been
7 nowhere near successful and if we're going to be increasing this density for all of those
8 public purposes, this is the right place, and you have Metro and you have buses and
9 you have MARC and this and that. That we are not simply creating another haven for
10 the well-to-do and pushing the less well-to-do out of this county. And I am not hearing
11 those assurances. And while John Carter gives me a little more comfort in saying, okay,
12 if it doesn't work, then people aren't willing to build that, then they're going to have to
13 forego those densities. That still -- that addresses one part of my problem. It does not,
14 though, touch the other part, which is where are the less well-to-do going to live? Where
15 are the people going to live who have foregone large salaries to serve the public or for
16 some other noble or unnoble purpose? Where are they going to go? And if we don't
17 care and if we don't put those assurances in I guarantee you the folk who -- who make
18 the money off of this stuff aren't going to. Because they have a responsibility their
19 owners or their stockholders or their whatever else. We have a different set of
20 obligations. And I am just looking for some additional assurances that we are going to
21 be able to do what heretofore we have been less successful at doing. Because even
22 today as we speak, police sergeants who make a decent amount of money are moving
23 out of Poolesville and out of Damascus because they can't afford it. And they're not
24 becoming lieutenants because they can't afford to forego the overtime pay. And so
25 we're driving our folk out of the county. And there is nothing here that tells me that while
26 we're doing all of these noble, theoretical, paper university professor stuff out that
27 somebody's writing a PhD in urban land use for is going to come up with the great
28 theories but never go near turning a -- a shovel full of dirt or having to worry about
29 teacher or firefighters or the folks who clean the university buildings. What's going to
30 happen to them? You know, there's a lot of talk and no action. We're very good at that.
31 Expert at that. Where are the less well-to-do going to go while we sit here and talk about
32 getting densities around transportation hubs? Where are they going to go? They're
33 going to be rich folk going in there, people. That's who are going to go in there.

34
35 Councilmember ANDREWS,

36 Thanks. Yeah. I think, Mr. Subin is raising a critical issue. Is the model we've relied on a
37 model that can continue to work or is it necessary for the public, through public
38 agencies, to take charge of the issue and build the housing itself? Clearly the private
39 sector will, as it's set up to do, work to maximize the amount of -- of profit that they can
40 gain on a development. And what will happen here is that to the extent they can't build
41 and can't make money on the workforce housing and MPDUs, they will charge more for
42 the rest of the housing. So you'll have quite a huge difference on the cost of the homes
43 even though the unit cost may not be as different. But the other housing will go uneven
44 more to compensate for that. That will be the reaction of the private sector. The public
45 sector doesn't have that imperative so it can -- the public sector could decide we're



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1 going to build, make an entire development middle class housing, that's how
2 Montgomery County -- that's not how it was done in Montgomery County 50 years ago,
3 but that was the result at the time. There was a great deal of middle class housing built
4 in Silver Spring, Wheaton, Kensington, smaller three-bedroom homes, perfectly good
5 then, perfectly good now, but they're not being built. That's not what developers want to
6 build and that's what is probably most needed. So, if we continue to rely on a market --
7 a percentage of market rate housing and using inducements, I think we're going to
8 continue to see inadequate results. And the next question is if the Council is -- is
9 interested in really adopting a different model. And having the government play a much
10 bigger role in building houses.

11
12 Karen Kumm Morris,

13 Under the sector plan, under the current MPDU laws that we're operating under today,
14 we would get a little under 1,000 MPDU units with the recommended density in the plan
15 and if we added 10% workforce housing, we'd be bringing it up to about 1500 units of
16 what we would consider affordable, below -- with the workforce housing, you know,
17 below what might be the market -- the higher market rate units. So, that's between
18 1,000 and 1500 with the workforce housing. That's not insignificant --

19
20 Planning Board Chair Berlage,

21 It's one quarter of the total number of units. You have three-quarters market rate units,
22 one-quarter below market.

23
24 Councilmember SILVERMAN,

25 Well, look, at the end of the day, the reality is if we want thousands and thousands of
26 MPDUs, we will call them MPDUs. MPDUs or middle class housing, the market is not
27 going to build them. That's never been -- and that's never been the policy of the county,
28 which doesn't mean that you don't end up moving in the direction that some other
29 jurisdictions have done, you know, building, you know, 40 or 50 housing units and
30 saying we're going to lease them out to teachers or we're going to lease them out to
31 cops or firefighters. We don't actually have a policy in the county that restricts our
32 MPDU program to public employees. We are not, in effect, for lack of a better term,
33 discriminating in favor of public employees or even types of public employees. If you are
34 a clerical assistant working in the private sector and make \$32,000 a year, you can put
35 your name on the MPDU list and if it comes up, you get to get an MPDU. So, we -- we
36 haven't had that sort of broader policy discussion. The question of whether we move in
37 that direction is a fairly large overarching issue that raises questions of balance. You
38 know, if behave publicly-owned land, do we say we want to use that and say let's go
39 build housing on it and we're going to do it for our public employees? There's nothing
40 that prevents us from doing that. We just didn't opt it, obviously that direction. So, we
41 end up with -- in the absence of moving in that direction, we end up with a program,
42 which I think is broken right now for the housing crisis that we have, which is the MPDU
43 program, not because I think the MPDU program is broken, but because the market rate
44 prices are so far out of whack that middle class folks are not going to be able to find,
45 you know, these housing prices and places, you know, it's happening everywhere, the --



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1 what used to be reasonable, like my house, which was assessed at \$300,000 a couple
2 of years ago, is probably going to come in this December at a half a million, pricing it out
3 of, you know, the range of a couple of teachers, at that salary level. So, that's an issue
4 that the county hasn't tackled yet. But we're not going to tackle it in Shady Grove.

5
6 Councilmember ANDREWS,
7 I understand what you're saying. I wanted to add that things have changed. At one time,
8 the market did provide an adequate amount of middle class housing. That's the basis of
9 housing in Montgomery county for a long time. The Levittowns and Bucks County and
10 New York, Nassau County, Long Island, were build by private developers. You know,
11 we're not seeing that type of construction anymore. Of the market, you know, there's
12 clearly a lot of demand for big homes and that's what the private market is catering to.
13 That's not the major need. So, we've got a big gap in what's being provided and what
14 more people need out there for housing.

15
16 Councilmember SILVERMAN,
17 Okay, back to Shady Grove. We will move on to municipalities. Points are very well
18 made by everybody. And I'm sure we will continue to wrestle with this. All right,
19 municipalities, we recommend -- I'm just reading what was written here. The committees
20 recommend that the Council ask the municipalities, did we actually say this? To enter
21 into memorandums of understanding agreeing and comply -- did we ask them yet,
22 Marlene? Did we actually ask them yet?

23
24 Marlene Michaelson,
25 Ask the municipalities?

26
27 Councilmember SILVERMAN,
28 Did we ask them yet?

29
30 Marlene Michaelson,
31 No.

32
33 Councilmember SILVERMAN,
34 No. Okay.

35
36 Marlene Michaelson,
37 We did-- we did -- I don't think this is going to be language in the master plan. It would
38 be sort of in the resolution --

39
40 Councilmember SILVERMAN,
41 It would be in the resolution, not in the master plan. Okay. All right. And I'm confident
42 that they will do what they usually do. All right, well now --

43
44 Councilmember FLOREEN,
45 While we're on this, we should ask them to cooperate in the TMDs.



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1
2 Councilmember SILVERMAN,
3 We haven't gotten to the TMD discussion yet.

4
5 Councilmember FLOREEN,
6 Since we're in the asking section –

7
8 Councilmember SILVERMAN,
9 But that's on, we have to go back to page –

10
11 Karen Kumm Morris,
12 59?

13
14 Councilmember SILVERMAN,
15 No, it's not page 59. It's page 41. So, hold that thought. Ms. Praisner?

16
17 Councilmember PRAISNER,
18 Rockville is working on their annual growth policy. We also asked them at the public
19 hearing where they are with AGPs and I'm not sure -- [INAUDIBLE] inadequate public
20 facilities, which is the most -- more appropriate term that I should use.

21
22 Councilmember SILVERMAN,
23 Circle what?

24
25 Marlene Michaelson,
26 118. The very last two pages of the packet.

27
28 Councilmember PRAISNER,
29 No -- I know -- I know that it's there -- I understand that. That's the old language and the
30 old information and there are comments when we started the process. But having
31 flipped the cable channels periodically, I've seen a lot of activity at the City of Rockville.
32 I'm not sure what, if anything, Gaithersburg is doing. I suspect less. But I would like us,
33 at some point in this process, to get an update on that issue and I don't see it
34 somewhere in the equation, so, if we can get that in this time warp we're going to be in
35 while we wait for action.

36
37 Councilmember SILVERMAN,
38 Councilmember from Rockville and Gaithersburg.

39
40 Councilmember ANDREWS,
41 I believe Rockville is taking it up this week, beginning their discussion on the proposed
42 adequate public facilities this week, I think. Gaithersburg, I'm not sure of, but I think
43 they're working on it. I don't think they scheduled a public meeting yet. But I think
44 Rockville's first major public hearing on it is sometime this week.



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1 Councilmember SILVERMAN,

2 Okay. All right. Let's start our discussion about -- let's get it over it. Urban district and
3 development district options on page 61. Committee recommendations clarify that the
4 Urban Service District would only fund operating expenses, rename the Urban Service
5 District to Urban District with the assurance that the Urban District would provide the
6 same types of services the current Urban Districts provide, include language that offers
7 options between establishing an Urban District and an urban partnership. Delete
8 references stating that the Urban Service District should manage the funding and
9 operation of the community center and include language that indicates that the private
10 sector can propose a development district. We also don't have a quorum. All right,
11 Marilyn?

12
13 Councilmember PRAISNER,

14 Two things. One, we have -- I think clarified that we're not creating a different kind of
15 structure we're extending the Urban District concept to this area. We're also indicating
16 that the functions associated with the district would be similar to the functions
17 associated with existing Urban Districts, to the extent that evolves over time, it would
18 apply to any Urban District that we create. On the issue of development district that
19 concept has lost some of its sparkle. My sense is but we do have, and I want to relate
20 this back to my conversations about Clarksburg, we do have a couple of development
21 districts that were authorized by the Council with specific infrastructure associated with
22 that. Remember, in a development district, we negotiate with the developers and we
23 identify -- they identify and we kind of resolve it with them, a specific level of
24 infrastructure that is associated with and funded by the development district. The
25 development district, once created, then carries with it an additional cost on the property
26 tax Bill for the occupants, property owners, of that district. To the extent we identify a
27 concept to look at, it either has to be initiated by the Council or initiated -- in the
28 Executive -- or initiated by the property owners who wish to have a development district.
29 So, including language within here that it could possibly be looked at is less than what I
30 think we had in the Clarksburg master plan, where I think it was stronger as far as
31 development.

32
33 Marlene Michaelson,

34 I believe in Clarksburg we may have had it tied into the staging and here, the committee
35 discussed whether or not this should be stronger than being presented as an option --

36
37 Councilmember PRAISNER,

38 And we rejected that.

39
40 Marlene Michaelson,

41 You rejected that. This clarifies that you're not requiring it, but only indicating --

42
43 Councilmember PRAISNER,

44 I just think it's important when the concept come up that we have this comments made
45 so that folks understand it because it's been a long time since the Council had any



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1 conversations about development districts. There is a relationship to the issues in
2 Clarksburg, not implementation -- not Planning Board questions or permitting service
3 questions, but related to infrastructure and timing and funding. And as I indicated the
4 other day, the MFP committee will have a conversation about that piece, associated
5 with Clarksburg, I believe, in the month of October.

6
7 Councilmember SILVERMAN,

8 Okay. Here's my -- here's my -- here's my suggestion: My first suggestion would be to
9 ring the quorum bell. And the second suggestion would be that we start on the zoning
10 text amendment because I don't think we should take up staging until we make sure that
11 as many of us are here as possible. [INAUDIBLE] Well, yeah, pretty much. And so
12 we're going today sort of break at noon anyway. So, -- so let's turn to, out of order, let's
13 turn to ZTA 05-09 - Wholesale Trade - I-3 Zone This is the -- oh, are we supposed to
14 have Ralph for this?

15
16 Marlene Michaelson,
17 Well, until he shows up, I'm happy to --

18
19 Councilmember SILVERMAN,
20 Yeah, that's okay --

21
22 Speaker,
23 I think Ralph had a doctor's appointment.

24
25 Councilmember SILVERMAN,
26 Okay, we're -- Well, Greg is here from the Planning Board. So, this is the revised
27 version of the Roberts oxygen issue. So that the -- the language -- you modified the
28 language here. Tell us where we're supposed to look?

29
30 Marlene Michaelson,
31 Well, basically the intent here -- circle 3 summarizes it, but the intent here is to --

32
33 Councilmember SILVERMAN,
34 Right.

35
36 Marlene Michaelson,
37 -- is to allow wholesale trade, limited to sales or rental products, intended for Industrial
38 or commercial uses, to be permitted -- to be a permitted use in the I-3 zone for a
39 grandfathered use. In other words --

40
41 Councilmember SILVERMAN,
42 But the discussion, I thought, or confusion we had was in the language that talked about
43 manufacturing?

44
45 Marlene Michaelson,



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1 Right. And it turns out this is exactly what they do and I think there was some incorrect
2 information that may have been presented to the committee before about the nature of
3 their operations but to the use that is presented here is, in fact, exactly what they do.

4
5 Councilmember SILVERMAN,
6 It's good to know --

7
8 Councilmember FLOREEN,
9 No manufacturing --

10
11 Marlene Michaelson,
12 No manufacturing.

13
14 Councilmember FLOREEN,
15 Oh, good. With so, you did inquire. That was the issue.

16
17 Councilmember SILVERMAN,
18 There is no manufacturing of oxygen tanks or any other products. It's good to know
19 exactly what they do because I only know them as the people who provide me air for
20 balloons. Okay, really, sure. I know this is -- I had some sense that they did something
21 other than provide tanks for parades, but, you know. Okay. Any questions about this?
22 Ralph, hi. Because the committee recommendation is to support this because this is
23 what we did in the master plan. So I guess I could ask Phil because we know what we
24 did, the rest of us. All right, 05-06, which is the Building Material and Supply Use in the
25 R&D Zone. We approved a minor wording revision recommended by the Planning
26 Board. This is the existing building and supply use -- which, remind me again which this
27 is?

28
29 Ralph Wilson,
30 This is the Indoor Home -- the Sears site.

31
32 Councilmember SILVERMAN,
33 Great -- Whatever it is, Great Indoors. That's right, this is again to make sure that this
34 becomes a conforming -- to stick around -- that's right. It's going from I-1 to R&D but we
35 want to make sure they're not a nonconforming use. And if they redevelop it would have
36 to take place under the standards of the R&D zone.

37
38 Ralph Wilson,
39 Yes.

40
41 Councilmember SILVERMAN,
42 Not the I-1 zone, but -- we understand they're not redeveloping themselves. Questions
43 about this? The Great Indoors. All right. Street Scape Standards, this is 05-05, the
44 committee basically said to the Planning Board, love to have you take a look at this from



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1 a broader perspective countywide to all I-1 zones rather than just the I-1 zones in the
2 Shady Grove.

3
4 Ralph Wilson,
5 I think it was farther than that, we talked about streetscape for all the zones, essentially.

6
7 Councilmember PRAISNER,
8 If I may, I think the -- I think the question was there are lots of places where there are I-1
9 zones and other zones and the question of streetscape at this point was in isolation and
10 may have had implications broader than what we wanted to do.

11
12 Councilmember SILVERMAN,
13 Right. Right. So, we send it back. The committee is not recommending the
14 streetscaping zoning text amendment.

15
16 Speaker,
17 Okay, 05-05 has been put off the table.

18
19 Ralph Wilson,
20 The committee was asking the staff to talk to DPWT about a more --

21
22 Councilmember SILVERMAN,
23 It's off our table and back on their table. Right. Then, we're now on to 05-02, which is
24 the Transit Oriented, Mixed Use Zone referred to as TOMX.

25
26 Marlene Michaelson,
27 It sounds like a missile system or something.

28
29 Councilmember SILVERMAN,
30 Exactly.

31
32 Marlene Michaelson,
33 And I believe it would be useful to have planning staff give a little bit of background on
34 why they thought the new zone was needed.

35
36 Councilmember SILVERMAN,
37 That would be John.

38
39 John Carter,
40 We don't have -- believe it or not, in our lexicon, we don't have a zone like this. We have
41 something similar, which is TSR and TSM zones. Those zones are floating zones.
42 They've been used a little bit, not extensively, they have some definition problems in
43 them, public use space, open space, active and passive recreation. They don't have the
44 -- the focus on placemaking that our central business district zones provide. There
45 aren't streetscape requirements. There aren't enough requirements for the master plan,



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1 so, we've created this new TOMX zone. It's intended for use outside of central business
2 districts, in Metro Station areas. We shouldn't confuse it where it's going to start
3 cropping up all over the county in Tacoma Park or other areas. It's just for Metro Station
4 areas. The Grosvenor, the White Flints, the Twin Brooks and the Shady Grove. And it is
5 not a floating zone. It is a zone that would be applied by master plan and the master
6 plan provides guidelines that make it work or set the standards for it. It is patterned after
7 our central business district zones, which have a 30-year history and so that's what the
8 TOMX zone does. In the long run and to answer perhaps Mr. Subin, this will replace the
9 TSR and the TSM. But we're applying it now master plan by master plan. Shady grove
10 today has the TSR, or the possibility of a TSR and a TSM zone. This is replacing that.
11 To make sure -- I think these zones that have standards tied to a master plan, that are
12 clearer, how we follow through with them like we do in central business district, is the
13 preferable way to go and so that's why we've created this for Shady Grove. We
14 intended to use it in other areas. Twin Brook is coming up. One of our next master
15 plans. We would intend to use it there. Any other master plans that might be coming up
16 for Metro Station areas again, we would be using it there and again in the long-term,
17 replacing the TSR and TSM zones, subject, of course, to all the review that you have.
18 So, that's the gist of -- [INAUDIBLE]

19
20 Karen Kumm Morris,

21 And also if I may say, that the TMX has a zone, as the optional method zone, has more
22 language in it giving design guidance than any other of the optional methods that we
23 have. More than the CBD zones. If you look at the language of the kind of pedestrian-
24 friendly characteristics written into the section, we don't have that kind of guidance in
25 our CBD zones. This will kind of help to create that kind of place better than we could in
26 the CBDs. And I guess, again, optional method has been the way that we've been able
27 to create the mixed use communities of the CBD areas and that's, again, this kind of
28 approached standard method you get only .5 F.A.R. But for the bonus density list, we
29 have a long list of things in the master plan that are required that we'll be able to get
30 through the optional method. So, this also ties more closely to what is the master plan.
31 We almost custom designing through the sector plan here with the requirement that the
32 zone be in conformance with the master plan, allows us to go back to the
33 recommendations of the master plan and implement them through the optional method.

34
35 Councilmember SILVERMAN,

36 Okay, let's get into the specifics, page 2, development standards, minimum lot area.
37 Marlene, you're going to have to refresh my recollection as to the committee
38 recommendations are different than what the zoning text amendment that actually got
39 sent over says.

40
41 Marlene Michaelson,

42 Right. In the first case, it is different, than what was originally set over, but the Planning
43 Board did recommend a change to clarify that the 18,000 square feet applies to the
44 minimum size for the project plan. But that after project plan, you could have preliminary
45 plans to develop smaller components of that.



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1
2 Councilmember SILVERMAN,
3 Okay. Questions about the minimum lot area? Okay, public use space. Again –

4
5 Marlene Michaelson,
6 Want me to just go through –

7
8 Councilmember SILVERMAN,
9 Yeah, yeah, I just can't remember where the differences were between the committee
10 and the Planning Board –

11
12 Marlene Michaelson,
13 And in this case, you did change the Planning Board requirement, you wanted to make
14 sure that the public use space were consistent with recent amendments that the Council
15 had implemented to CBD zones. These give the board the authority to reduce the
16 standard down to 5%, if necessary, to accommodate the construction of MPDUs, and it
17 also gives the board the authority to reduce or eliminate public use space and the
18 optional method to accommodate MPDUs, but only if an equivalent amount of public use
19 space is provided off a site. The text amendment as drafted had a slightly different way
20 of dealing with that and the committee thought that consistency would be important.

21
22 John Carter,
23 And remember in all of these examples, that this is consistent with what we've been
24 doing on the recent MPDU legislation and in the CBD zones. This consistency, I mean I
25 -- I know it gets boring, frankly, but consistency –

26
27 Councilmember SILVERMAN,
28 The rare thing around here, John.

29
30 John Carter,
31 Is critical for -- Yeah.

32
33 Councilmember SILVERMAN,
34 Okay. All right?

35
36 Marlene Michaelson,
37 Okay. Basically the -- the next issues all deal with how the zone treats height,
38 residential density and setbacks and there is a -- an overall -- a philosophical approach
39 to how you deal with this, treated similarly for all of these. And the majority supported
40 the approach presented in the -- in the zones, which would require -- have specific
41 standards under the standard method of development, but under the optional method of
42 development allow the master plan to set height, density and setbacks, as a minor
43 technical change, the committee recommends -- eliminated the term "NA" because it
44 applied that the standards were not applicable, in reality what we're saying is that
45 they're set in the master plan. Councilmember Praisner was not comfortable with having



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1 no standards in the optional method and thought there should be maximum limits on
2 height, density, and setbacks under both the standard and the optional method in the
3 zone.

4
5 Councilmember PRAISNER,
6 I want to say I still feel that way. And –

7
8 Councilmember SILVERMAN,
9 Upon further -- upon further review.

10
11 Councilmember PRAISNER,
12 And -- and I think on continuing analysis of activities elsewhere, this becomes for me an
13 ongoing issue of discussion from lessons learned, et cetera.

14
15 John Carter,
16 Certainly in the terms of density, this allows the master plan to undercut the maxim, but
17 there is a maxim on the density side, it is the height where there is no maximum.

18
19 Marlene Michaelson,
20 Yeah, and if you turn your attention to circle 13 of the packet that shows you where the
21 zone is sitting and John is quite correct, it's a mistake to see the density was not
22 capped. There is an FAR cap. It is the –

23
24 Councilmember SILVERMAN,
25 Setbacks.

26
27 Marlene Michaelson,
28 The height, the setbacks and maximum building coverage. That is not set in the zone
29 and to be set in the master plan.

30
31 John Carter,
32 If you want, again, to pattern this after the central business district zones, which I would
33 use as a model, the setbacks -- there is no setbacks in the central business district
34 zones for the optional method. I think that would be a good idea to leave that that way.
35 You need the maximum for the density. If you want to set a height, there are heights
36 and we could use central business district heights if you would like, what it would be is
37 143 feet -- and don't ask me where the three comes from, but 143 feet is the standard in
38 the most in the most applicable CBD zones and you could, as you've done with the
39 MPDU law, allow an increase of up to 22% --

40
41 Marlene Michaelson,
42 And I just want to mention that that would be less than what's already in the Shady
43 Grove master plan, which applies 15 stories –

44
45 Councilmember SILVERMAN,



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1 I was just going to say, right.

2
3 Marlene Michaelson,
4 If you were going to set a height limit, you'd have to set it high enough to accommodate
5 to what we agreed to on the land usage.
6

7 John Carter,
8 I understand that aspect.
9

10 Councilmember SILVERMAN,
11 So, you'd be talking 200 feet, wouldn't you?
12

13 John Carter,
14 I hate to see you go that high in these areas.
15

16 Councilmember SILVERMAN,
17 Which areas –
18

19 John Carter,
20 In a Shady Grove-like area.
21

22 Karen Kumm Morris,
23 The heights are problematic because these are mixed use buildings and we don't know
24 –
25

26 Councilmember SILVERMAN,
27 John, I don't get that. You don't -- no, no, no, you don't want us to go how high –
28

29 John Carter,
30 The 200 feet.
31

32 Councilmember SILVERMAN,
33 Yes, but –
34

35 Marlene Michaelson,
36 It would probably be 170 feet, which is the maximum size of a 15-story building. The
37 problem is that in these mixed use buildings, they're not contemplating that you would
38 actually get to 170 feet because of the mix of uses, it would be lower, nonetheless, if
39 you want to put a height here, you'd have to make it the maximum, so, the question
40 would be whether setting this maximum sets an expectation that is higher than the goal
41 of the master plan and that's, in fact, exactly what has been argued in the CBD zones,
42 that the zones set this limit and why is the master plan artificially limiting how much we
43 can develop? I think that's was probably the primary reason they didn't include the
44 height here, was by placing the maximum height, you'd lead to an expectation greater
45 than what the plan is suggesting you do.



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1
2 John Carter,
3 That's exactly it.

4
5 Councilmember SILVERMAN,
6 I mean just for the viewing public, we're creating -- we've -- we've -- at least at this point,
7 subject to changes that we make when we actually vote, we have set some maximum
8 limits on height in the master plan itself. What we're talking about is the creation of a
9 zone, which will apply here and theoretically could apply, where?

10
11 John Carter,
12 Other Metro Stations outside our central business districts.

13
14 Karen Kumm Morris,
15 Twin Brook, for instance.

16
17 Councilmember SILVERMAN,
18 Probably Twin Brook and so the question is who we put a height limit in the zone? Or do
19 we leave it to the master plan to basically designate the height? Okay. Mr. Knapp.

20
21 Councilmember KNAPP,
22 We're talking a lot about the CBDs. How have -- have we built a CBD similar to what
23 we're doing in Shady Grove before? Or have CBDs been applied to more commercial
24 areas and it's only applied to one or two buildings or a few buildings within the area, so,
25 it's more reflective -- the zone becomes more reflective of the area and becomes a
26 guidance for reconstruction of certain buildings within that area, as opposed to
27 developing something like a Shady Grove from scratch.

28
29 John Carter,
30 The CBD s were created in the '70s and they were basically designated existing areas.
31 There's four of them. Silver Spring, Friendship Heights and Bethesda. Those are our
32 central business districts. The only four that we have. So, the zones that were created
33 both looked at what was there and that's where the 143-feet, what the odd dimensions,
34 that's what they come from, previous zoning ordinances that go way, way back. So, the
35 central business districts zones haven't been applied to a new area, an area like Shady
36 Grove, that's really not there.

37
38 Councilmember KNAPP,
39 Because there's always been context within which to look at decisions which were
40 made?

41
42 John Carter,
43 Yes. Now, the TSR zones don't have height limits. Those were for the newer Metro
44 Station areas, the White Flints and those were created in the late '70s and early 80s, I
45 guess. Would be the timeframe of those. Those apply to areas that weren't central



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1 business districts or major centers of employment or housing. The central business
2 district and the TSR area.

3
4 Councilmember KNAPP,

5 So -- but the TSRs that have been built more from scratch than the CBDs were. I guess
6 just how successful do we think that has been relative to -- in the application of those
7 zoning principles, relative to the CBDs?

8
9 John Carter,

10 Again, this is my perspective on the success of those, I would say they don't have the
11 bells and whistles that our central business districts have. They don't have attention to
12 the place making. The road discussion we had earlier. You don't have the better-shaped
13 roads that apply to pedestrians. They're a little inflexible because of the process. It
14 comes up through Council and there's a development plan and if they -- they last
15 sometimes 10 or 15 years. If there's a change in the 10th year, you have to come up
16 through Council and often the attention is not on the placemaking feature. So, the
17 central business districts have been better at the streetscaping at the public
18 placemaking. The TSR zones have not been quite as good would be my editorializing in
19 this. There's a lot of promises in the TSR. It's applicable in many areas, but not used
20 extensive partly because of the process issues of it. You don't see a lot of those zones
21 around. The TSR, I think, is more confused -- oops, harder to follow in terms of the
22 public use space requirements. And they have active and passive and strange
23 definitions on the side --

24
25 Marlene Michaelson,

26 Just in terms of the height and setback issues, if you look at circle 17, what's a little bit
27 different in the TOMX zone is not only does it under -- under optional method, it doesn't
28 have an upper height limit, but I think it's the only zone, to my knowledge that this
29 clearly specifies that the height and setbacks must be determined in project plan, the
30 project plan must be consistent with the master plan. I think that may be the very first
31 time we've included that sentence and we need to start including it more. Right. So, this
32 is a big -- it's a step beyond what we've done either in CBDs, TSR or TSM. It's a big
33 improvement on the linkages back to the master plan.

34
35 Councilmember KNAPP,

36 That's my concern, just seeing what we've seen so far, is if we're creating this from
37 scratch, we've never created kind of a CBD from scratch before, then you're kind of left
38 with the notion of some -- different vision in everyone's mind. How do we be sure that
39 whatever ends up on the ground reflects the vision of what people originally
40 anticipated? And to some extent, you can't do that until you get things on the ground,
41 which then almost becomes too late if it's not what people expected. I don't know what
42 people know what the question is as much as trying to get a understanding of where
43 have we created a larger zone or a larger, more Metro-focused zone in the past and
44 where have we seen it work well? To think about when we get to the staging or other
45 elements for implementation, what are some of the things we may have learned from



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1 some of the areas to be sure it gets addressed in the master plan to try and tie down the
2 vision a little bit more as opposed to -- you don't want to limit the flexibility. I think that's
3 a good thing in this type of a zone, but by the same token, until you see it, you don't
4 know what you've seen. And -- is that too late?

5
6 John Carter,

7 I think, again -- these are smaller versions of central business districts, using those old
8 central business districts tools and tightening it up a bit where the follow-through is very
9 important, which is it is in this, adding language, as Marlene was talking about, where
10 the follow-through was required and findings are required to make, as you move
11 through the development process, that probably few, if any zones, actually provide. It's
12 a less dense version of the central business district, if you're looking for a vision of what
13 these look like and better follow-through.

14
15 Marlene Michaelson,

16 And to the extent that the master plan is providing broad guidance, when you get to
17 project plans is when you have a property owner who's actually come up with a specific
18 set of concepts. That will be the place where we make sure we're really matching the
19 vision of the master plan and we need to do a better job of that. I think this zone is
20 indicating the importance of that.

21
22 Councilmember KNAPP,

23 I may want to follow up with you offline just to get a better of the TSR versus the CBD
24 and how we've done that.

25
26 John Carter,

27 Maybe we can do a chart for you.

28
29 Councilmember KNAPP,

30 Okay, great.

31
32 Councilmember SILVERMAN,

33 Nancy.

34
35 Councilmember FLOREEN,

36 I wanted to say that that raises the challenge of how much detail you put in the master
37 plan because that's sort of how you establish the community vision, if you're relating to
38 Clarksburg, kind of concerns out there, actually what -- there's no inconsistencies as I
39 gather with the actual master plan. But it's -- it's a -- the questions that have arisen
40 come with the implementing documentation that whatever the zone -- I mean it's a
41 question of how are the -- the standards then translated and, you know, that's -- the
42 whole internal implementation administrative kind of debate, but it's not a policy debate.
43 The challenge is in finding, not saying so much in the plan that you tie your hands to
44 later flexibility, but saying enough that you get what you want.



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1 Councilmember KNAPP,

2 And that's a point -- I wanted to try and look at. If we've had better success in identifying
3 a certain zone, you know, that that has been more successful in implementation, that's a
4 question to ask in the master plan process to see are we utilizing the right zone. The
5 CBD may be a nice vision and do interesting things, but if we've never seen it true to
6 fruition in a way that people are really comfortable with, maybe look in a different
7 direction. I don't want to give too much detail and by the same token, don't want to not
8 use past experience to help form our policy choices.

9
10 Councilmember FLOREEN,

11 And the problem is you can't sort that all out way in advance. Bethesda is a good
12 example of a mature community that's still working on itself and has developed all kinds
13 of tools and, you know, Urban Districts and groups that are committed towards
14 implementation of the details part. But that, you need a certain, you know, center there
15 to get you there. And that is coming along in the other CBDs, as well, but it's -- the
16 question is how do you put in place the right kinds of tools so that at some point you can
17 bring other elements into it without tying your hands too much.

18
19 John Carter,

20 I think this is called a sector plan, which is different, sector plans have more detail and
21 should have more detail. I think it would be fair to say that this plan has more detail than
22 you would normally see in a plan. And that detail is tied to the mechanisms, the zoning
23 mechanisms that we have. It's all working together as a total piece.

24
25 Councilmember SILVERMAN,
26 Has more detail than what?

27
28 Marlene Michaelson,
29 Than a master plan. It's in a bigger area.

30
31 Councilmember SILVERMAN,
32 Is this the time when you get to define to the listening audience the difference between
33 a sector plan and a master plan?

34
35 John Carter,
36 One's bigger than the other.

37
38 Marlene Michaelson,
39 A sector plan is usually a subset.

40
41 Councilmember SILVERMAN,
42 I understand. You know, we've got a viewing audience out there, Marlene. This is an
43 educational opportunity. That's right. All right. We might actually have a shot at finishing
44 this up. Number of residential units, mix of units.



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1 Marlene Michaelson,
2 And this is the same general issue, but in addition, the specific issue is the committee
3 recommends allowing a transfer of commercial and residential development capacity
4 between properties in atomic zone in Shady Grove, residential is 70% and the
5 committee, at some property owners request, that there should be some flexibility,
6 maybe one would be, you know, 60% residential and the next 80%, as long as it all
7 balanced out.

8
9 Councilmember SILVERMAN,
10 And we did not set -- the ZTA doesn't set a specific maximum number or residential
11 dwelling units per acre density. And Ms. Praisner thought there should be a limits
12 maximum number of residential units in the zone. Okay. Maximum building heights,
13 same issue, no building heights recommended based on the questions raised about fire
14 and safety because the information we had is that that is, I guess a red herring, the best
15 way to describe it? Okay, minimum setbacks, see number 3 above.

16
17 Marlene Michaelson,
18 That's, again, the general --

19
20 Councilmember SILVERMAN,
21 That that's the general language, that's right. Floor area ratio, we supported the FAR
22 limits in the zone, which is 2.0. Permitted uses, we supported the screening committees
23 and Planning Board recommendation to change the use charts to be consistent with the
24 use charts in the zoning ordinance, for example, a hotel should be listed as a residential
25 use, not a commercial use. In addition, group day care, child-care day care should be a
26 permitted use instead of a special exception. Advanced technology and biotechnology
27 research and development uses should be added to the use table. And office
28 professional including banks and financial institutions should not exclude drive-in banks
29 as a permitted use. The majority, who would that be?

30
31 Marlene Michaelson,
32 I'm sorry, I just noticed that -- I don't recall.

33
34 Councilmember SILVERMAN,
35 Is it Nancy?

36
37 Marlene Michaelson,
38 On the first one I -- I don't recall in hoping within of you do who objected to having public
39 storage companies as a permitted use. I think Ms. Praisner. I think the idea was how
40 much you wanted to encourage redevelopment.

41
42 Karen Kumm Morris,
43 I think when the committee took this up it was only if recommended in the master plan.

44
45 Councilmember SILVERMAN,



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1 Right. Okay.

2
3 Council President PEREZ,
4 Ms. Floreen.

5
6 Karen Kumm Morris,
7 At .75 FAR, it was only to address the area north of King Farm Boulevard.

8
9 Councilmember SILVERMAN,
10 Right.

11
12 Councilmember FLOREEN,
13 Remind me of why we came to the conclusion that a hotel was a residential use? I
14 mean if we're not careful, this could all turn into a major home of hotel land. And why --
15 how do we get there?

16
17 John Carter,
18 The central business district zones a hotel as a commercial use --

19
20 Marlene Michaelson,
21 No, that's not true.

22
23 Councilmember SILVERMAN,
24 That's a residential -- We were being consistent.

25
26 John Carter,
27 We were being consistent.

28
29 Marlene Michaelson,
30 The issue here was consistency again and to the extent that we want to make them
31 commercial, they should be commercial in all zones. That's -- that's the -- the issue.

32
33 Councilmember FLOREEN,
34 How -- well, I -- I just don't remember this conversation policy-wise. It seems to me you
35 run the risk -- I don't know how we'd apply the --

36
37 Marlene Michaelson,
38 To the extent -- I think this is the very legitimate issue and we should consider whether
39 we want to text amendment to move all hotels into commercial zones.

40
41 Councilmember FLOREEN,
42 Well, right --

43
44 Councilmember PRAISNER,



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1 You don't want the residential units in this area to turn out to be three or four hotels, or
2 even one or two.

3
4 Councilmember FLOREEN,
5 I would suggest we move it to bite the bullet and say what we mean and move it -- we
6 inserted hardware store instead of hotel.

7
8 Councilmember SILVERMAN,
9 Where are you reading?

10
11 Councilmember FLOREEN,
12 Circle 11. I mean that -- hotel is where it was initially. The first draft.

13
14 Greg Russ
15 Yes, hotel was located --

16
17 Councilmember SILVERMAN,
18 Okay, let's put it back in the commercial place. All right.

19
20 Councilmember FLOREEN,
21 Thanks.

22
23 Councilmember SILVERMAN,
24 Okay.

25
26 Councilmember PRAISNER,
27 We should look at -- [INAUDIBLE]

28
29 Councilmember SILVERMAN,
30 Yes. Fine, go for it and bring us back a zoning text amendment. Grandfathering
31 provision, revise the grandfathering provision and delete the provision that existing
32 structures or uses only conforming for seven years and instead allow existing
33 structures, buildings, or uses to continue as conforming indefinitely and to be enlarged
34 up to 10% of the gross building area or 7500 square feet, whichever is less.

35
36 Marlene Michaelson,
37 This was trying to treat the grandfathering of this zone as it is treated in other similar
38 zones.

39
40 Councilmember SILVERMAN,
41 Okay. Pedestrian crossing signals, delete the language since this is not an issue that
42 should be addressed in the zoning ordinance. That's an operational item. Okay,
43 mechanical equipment screening provisions. Exempt single family homes from the
44 requirement to locate mechanical equipment within buildings or within a mechanical
45 equipment penthouse. All right. And last but not least, parking. We actually had this



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1 discussion about we wanted them to take a look at potential changes to parking
2 requirements and transit station zones everywhere. All right. We've completed our
3 review of the zoning text amendments. When we come back, we will take up the TMD
4 transit mix traffic mitigation mix and staging. Mr. Perez –

5
6 Councilmember LEVENTHAL,
7 We will reconvene -- no problem, we will reconvene at 1:30.

8
9 Councilmember SILVERMAN,
10 Mr. Perez indicated to me -- that he won't be back until 2:30. He's in Annapolis.

11
12 Councilmember LEVENTHAL,
13 But we will proceed at 1:30. The rest of us.

14
15 Councilmember SILVERMAN,
16 Thanks.

17
18 Councilmember LEVENTHAL,
19 Okay. We're back in session, and it's all yours, Mr. Chairman.

20
21 Councilmember SILVERMAN,
22 Thank you, Mr. Vice President. We are now turning to page 41 of the packet,
23 Transportation Management District, which will be an explanation slash discussion
24 about what we did in committee in connection with TMDs and then we'll sort of segue
25 into Dr. Orlin's yet another addendum which -- do all Councilmembers have this? Yes.
26 Okay. Which relates to specific traffic mitigation elements that are part of the plan. So
27 take it away, Glenn.

28
29 Deputy Staff Director ORLIN,
30 The final draft of the sector plan did recommend that there be an establishment of a
31 Transportation Management District in Shady Grove and what they are suggesting is
32 that be done as a precursor to stage 1. The committee also recommends that the
33 specific recommendation as listed there on the top of page 42 -- I'll just read it quickly ,
34 establish a TMD that covers the sector plan area except areas of single family
35 residential development. That would be the area to the northeast of the Metro Station
36 access road. Really pretty much everything else is not single family. And by the way,
37 that's typical for the north Bethesda area, for example, the north Bethesda TMD it's sort
38 of a gerrymandered thing. gerrymandered in a good sense, in that it leaves out the
39 single family residential areas but connects the multi-family and the office and retail
40 areas.

41
42 Allow development to proceed prior to the establishment of TMD but only under the
43 proviso so that the owners [INAUDIBLE] of every development ultimately within the
44 boundary of the TMD must participate in its required activities, including the preparation
45 of traffic mitigation plans, th participation in the annual commuter survey, and the



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1 payment of any annual fees as if it were a new development once the TMD is
2 established. If you recall -- in fact, many of you may not have been around for the
3 approval of the TMD resolution. Oftentimes there is a distinction between whether
4 you're a new development or existing development in terms of whether or not you're
5 subject to the fee, if there's any fee involved. The point here is that, once the TMD is
6 established that if there are developments that go forward and, for some reason, if -- the
7 mitigation agreements are approved and the TMD is approved, then these
8 developments approved under the the mitigation plan will at that point be treated as if it
9 were a new development and have to pay the fee and do all the things they would have
10 to do.

11
12 A little bit of background. This TMD has been in the development stage for a decade.
13 The department and the Executive Branch is actually very late in -- very far along in
14 developing it. In fact we think we may get, maybe this week, a proposal from them for
15 introduction next Tuesday, but what we get we'll schedule it.

16
17 And then, following up the rest of the section of the packet, there are specific items,
18 which the committee is recommending identifying in the plan as possible mitigation or
19 transportation demand management measures. These are not required, but they're
20 illustrative. We felt it was important to have them listed in the plan to highlight them, and
21 they are listed in the bullet on the bottom of page 42 and the top of page 43. The only
22 item that was in the Planning Board's draft that the committee agreed not to include at
23 the Executive's recommendation is the recommendation for a transit store. Sandy can
24 talk about this, but there's only so much business for a transit store, and the Executive
25 Branch does not feel that at least automatically there would be a need for a transit store
26 in the Shady Grove area, so, didn't feel it should be highlighted in the plan. A transit
27 store is an outlet where a transit fare media is sold. There's one in Silver Spring. So,
28 with that, are there any questions about the TMD itself, the proposal is pretty straight
29 forward?

30
31 Councilmember LEVENTHAL,
32 Do you have a question, Mr. Knapp?

33
34 Councilmember KNAPP,
35 I do. May I?

36
37 Councilmember LEVENTHAL,
38 You have the floor.

39
40 Councilmember KNAPP,
41 Thank you. This is different from a development district.

42
43 Deputy Staff Director ORLIN,
44 It is.



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1 Councilmember KNAPP,
2 How?

3
4 Deputy Staff Director ORLIN,
5 Transportation management district -- it's the same development district as is the
6 boundary. If there is a fee to be charged, it's charged within certain kind of
7 developments within that boundary. Otherwise it's very different. What it is is a means
8 for raising money to support a transportation management organization, which can be
9 the county itself or can be a nonprofit under contract to the county, which would operate
10 transit incentives, whether it's providing money through the Fare Share program or
11 Super Fare Share program, shuttle services, coordinating Ride Sharing promotions
12 essentially. [INAUDIBLE] Sandy's office does in the Division of Transit Services. We
13 have today TMDs in Silver Spring, Friendship Heights, Bethesda CBD, and north
14 Bethesda, so this will be the fifth.

15
16 Councilmember KNAPP,
17 So a TMD is really focused on moving people and finding ways to move people using
18 transit?

19
20 Deputy Staff Director ORLIN,
21 Alternative transportation. Transit or carpooling. Anything but single occupant driving
22 basically.

23
24 Councilmember KNAPP,
25 And it generates revenue how?

26
27 Deputy Staff Director ORLIN,
28 It varies. In north Bethesda, there's money actually -- the money collected at parking
29 meters in the White Flint area and Rock Spring Park area goes directly to the transit
30 fund. That supports the TMD. There's also past North Bethesda a metro fee it lapsed.
31 There is no fee now, but when there was a fee there was maybe a very small amount, I
32 don't know if it was much at all, that came in from the fee. Otherwise there's transfers
33 from the parking districts in Silver Spring and Bethesda to support the TMD work in
34 those areas. There's not a specific TMD in Wheaton, but there's work like this in
35 Wheaton, in that the county does, which is funded by a transfer from the parking district
36 there. It's a variation of things. There's also developer contributions, actual
37 contributions. Not the annual fee but maybe as part of a condition of approval which
38 contribute to some of this.

39
40 Councilmember KNAPP,
41 Are those generally one-time contribution? Ongoing?

42
43 Sandra Brecher,
44 This one had one other source of revenue. That is the Share Ride contributions made
45 when parking reductions are obtained. When the developer opts for that provision to



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1 reduce parking under the zoning ordinance and they make a contribution to
2 [INAUDIBLE].

3
4 Deputy Staff Director ORLIN,
5 A contribution that Mr. Knapp was asking about is typically a one timer, right? Not the
6 annual fee but the --

7
8 Sandra Brecher,
9 I'm sorry, which contributions are those?

10
11 Councilmember KNAPP,
12 We just said that developers will make contributions. Are they a one-time contributions?

13
14 Sandra Brecher,
15 It has varied. We've had some different arrangements. In Friendship Heights, for
16 example, we had a developer who contributed over a four-year period.

17
18 Councilmember KNAPP,
19 What's our budget of it? What's our biggest TMD? How do you measure the size of the
20 TMD?

21
22 Sandra Brecher,
23 Our Bethesda TMD and our north Bethesda TMD are the largest of the two. Those two
24 or the largest of the four I should say. Those have budgets in excess of a half million,
25 500,000 plus. We're operating the Silver Spring TMD as part of our other -- and the
26 Friendship Heights TMD, it's a little harder to put a number on those. Because the
27 Bethesda, north Bethesda ones are contracted out. So we have a specific amount we
28 know we contract for there. We operate the other two as part of our general operations.
29 The costs of those get assumed in there. We have a sense of what it's costing us.

30
31 Deputy Staff Director ORLIN,
32 [INAUDIBLE] transportation action partnership is the group that uprights the north
33 Bethesda TMD and the Bethesda transportation solutions does Bethesda.

34
35 Councilmember KNAPP,
36 How do we know if they're working?

37
38 Sandra Brecher,
39 Well, that's a very good question actually. One way that we try to determine whether
40 they're working is how well we're doing at achieving the mode share goal of that area.
41 Those mode share goals are established in those master plans and under the AGP. So,
42 for example, in north Bethesda, the goal is -- I think it's 37% non auto driver mode share
43 in the peak period. There's some fine tuning aspects to those goals. And there was sort
44 of a midpoint that the Council decided they had made enough progress that they could
45 move into the next phase of development for that. In Bethesda also the mid-range goal



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1 was 32%, and the long range goal is 37%. By virtue of the survey results, it was
2 determined that Bethesda had met 32% mode share goal and was allowed to move into
3 stage 2 development there.

4
5 We measure it -- right now, it's an imperfect system. We do use our annual commuter
6 survey to measure mode share goals. I think Shady Grove is a little different than what
7 we're doing currently with the other TMDs.

8
9 Councilmember KNAPP,

10 And how would we, for a place where we don't have one, so a place like this where
11 we're going to see a fair amount of growth, how would we establish a benchmark or
12 base line for what the goal off percentage of utilization would be of that particular mode?
13

14 Sandra Brecher,

15 Well, I think those benchmarks are being established as part of this process.
16

17 Councilmember KNAPP,

18 Okay.
19

20 Sandra Brecher,

21 I'm not sure if that's what you're referring to or not. The Council is deciding -- and I think
22 through some of the traffic studies that have been done, sort of the balancing act
23 between how much you're going to accommodate with auto traffic and how much you're
24 going to need to accommodate with everything else in order to have a certain level of
25 development. If you mean is it doable, that's another question.
26

27 Deputy Staff Director Orlin,

28 What are the mode shares now?
29

30 Sandra Brecher,

31 I don't have an answer to that, because we don't have a TMD in Shady Grove right now.
32 We could look at what some of the mode shares are, but we don't have anything that
33 would tell us for this specific area what is the mode share today.
34

35 Councilmember KNAPP,

36 So the process would be to put in place a TMD and then effectively do the surveys and
37 establish the baseline?
38

39 Sandra Brecher,

40 Right. Right. That's what we did actually in Bethesda when we began the contract
41 process. We'd been doing surveys, but that did give them a sense of what their starting
42 was. And that's what we would do once we formed the TMD.
43

44 Councilmember KNAPP,



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1 How long did it take to get it up and running to the point that you starting to see
2 measurable activity?

3
4 Sandra Brecher,

5 There was measurable activity even before it was up and running. We were still
6 marketing and promoting the services in that area. But I think that the contract that let
7 with, Bethesda Urban Partnership for operating the Bethesda TMD was late '99, and I
8 think that the mode share around that time was 27 or 28% non auto drive mode share.
9 When they achieved 32% -- what was that? I think last year. So that gives you some
10 idea. About five years in that case.

11 Now, bear in mind Bethesda is quite a different animal from Shady Grove as Shady
12 Grove exists today.

13
14 Councilmember KNAPP,
15 Right.

16
17 Sandra Brecher,
18 For a lot of reasons I'm sure you're aware of.

19
20 Councilmember KNAPP,
21 Thank you.

22
23 Planning Board Chair Berlage,
24 Point of reference. King Farm is just under 20%. It's somewhat further from Metro, but it
25 is just across the way.

26
27 Councilmember LEVENTHAL,
28 Okay. Go ahead, Mr. Chairman.

29
30 Councilmember SILVERMAN,
31 Oh, wait a minute. What we just covered was pages 41, 42, top of 43.

32
33 Deputy Staff Director Orlin,
34 Right. The rest of the discussion really relates to how this relates to the staging element.

35
36 Councilmember SILVERMAN,
37 I'd like to take up your addendum before we get to staging.

38
39 Deputy Staff Director ORLIN,
40 We'll take up your --

41
42 Councilmember SILVERMAN,
43 We have another addendum.

44
45 Planning Board Chair Berlage,



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1 Still yet another.

2
3 Deputy Staff Director ORLIN,
4 In the packet, I guess -- we're on circle 56.

5
6 Councilmember SILVERMAN,
7 Page 56.

8
9 Deputy Staff Director ORLIN,
10 Page 56. I'm sorry. Mr. Silverman asked me to put more detail in a memo with this
11 addendum in it than what's in the packet regards to what the final draft had said with
12 regards to transportation staging. It's not all tabling but transportation staging versus
13 what the committee is recommending to you. So let me go through the packet with the
14 addendum quickly. The final draft plan had, as I mentioned earlier --
15 Councilmember SILVERMAN, 49

16
17 Well, this is -- just as a clarification, the reason why I asked Glenn to put this together is
18 there's a piece of this that's staging but the guts of it have nothing to do with staging.
19 The guts of it have to do with trip mitigation, which is not staging. It's from -- I'm not
20 trying to parse words here. I'm just trying to say that we have yet to have a discussion
21 until now how we're going to accommodate the traffic that would otherwise be coming
22 from 6300 units. So this is the time that we would be having that discussion.

23
24 Deputy Staff Director ORLIN,
25 Right. By staging if you mean as related to the number of units and jobs in each stage,
26 you're right. But there are mitigation requirements in each stage. Anyway, the final draft
27 plan had said that there should be a TMD prior to stage 1, and it mentions the transit
28 mode share goals. In other words, the percentage of people who would be leaving their
29 homes in the morning during peak periods or arriving at work during peak period by
30 transit. Specifically it was 35% for residents within the Shady Grove policy area, which
31 is -- recall the geography here, it's the area basically west of Crabbs Branch Way, east
32 of 355, north of Indianola, south of Shady Grove Road, a little bit there on the north of
33 the southeast -- west corner of 355 and Shady Grove, but that's the Shady Grove policy
34 rate. 35% of the residents in that area would be taking transit. 25% of residents
35 elsewhere in the sector plan area outside that policy area. And 12.5% of the employees
36 working in Shady Grove arriving in Shady Grove would arrive by transit.

37
38 The draft notes the availability in the growth policy of the alternative review procedure,
39 which was developed a few years ago, starting with Alcor, it's been applied I believe in
40 one or two other places. Where a developer can opt out of local area review
41 requirements in the growth policy by entering the traffic mitigation plan, which would
42 reduce the number of trips equal to half the number of trips that would be generated by
43 that development. In addition to that, joining the local TMD, paying the local TMD fees if
44 there are any, and paying double the applicable impact tax. Since these are Metro
45 Station policy areas where the applicable impact tax is they're essentially paying the full



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1 impact tax. The alternative procedure is a voluntary -- it's done at the option of the
2 developer. A developer doesn't have to do that. The Planning Board in its draft said
3 that's one way that they can try to achieve these transit mode share goals.

4
5 The draft also recommends that trips or developments that generate 30 or fewer peak
6 hour trips would be approved without staging, which is similar to the growth policy
7 where there's the de minimus rule that developments of 30 or fewer peak hour trips
8 don't go through local review.

9
10 Councilmember LEVENTHAL,
11 Could I ask a question of the survey? How do we get these numbers? 35%, how is the
12 survey conducted? Who responds to it? What is the sample?

13
14 Deputy Staff Director ORLIN,
15 This wasn't a survey. This is strictly what the Planning Board was recommending should
16 be the goal.

17
18 Councilmember LEVENTHAL,
19 Right.

20
21 Deputy Staff Director ORLIN,
22 We're talking about the commuter survey.

23
24 Sandra Brecher,
25 You want me to talk about that now?

26
27 Deputy Staff Director ORLIN,
28 Go ahead.

29
30 Sandra Brecher,
31 The annual commuter survey is a survey of employers. We ask the employers to
32 partner with us to actually distribute the surveys to their employees, and we collect them
33 back and analyze them. We have tried to improve the survey process over the last few
34 years. We've worked with a survey consultant. It is still not a truly random survey. We
35 do try to randomize among the employers in our database, but these are employers in
36 general that we are working with.

37
38 So we do that. We distribute the survey. We don't survey every employer every year.
39 We're trying to alternate in our TMDs so we're surveying about half the employers one
40 year and half the next year. The survey is mandated under the former Bill 32-02 that the
41 Council passed. It's mandated for employers within our Transportation Management
42 District if they have 25 or more employees. What's mandated is that they participate,
43 that that employer participate. We cannot mandate that the employees, however,
44 respond. We do ask -- and that legislation expresses a goal for an 80% response rate.
45 Those employers use a good faith effort, those employers use a good faith effort to get



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1 an 80% response rate. It's very rare that a larger employer would be able to achieve
2 that, but it has happened in some instances.

3
4 So that's the survey, and that's the process. And then we analyze it and we look at what
5 those mode choices are. The survey is relatively short, about 10 or 12 questions.

6
7 We initiated the survey many years ago as more of a marketing instrument than it was
8 as an effort to really determine what the mode share was. It's an effort to get out there,
9 find out what people are doing, what kinds of incentives they might respond to. We have
10 some questions in there about that. It's evolved into a way to try to measure mode share
11 in each of these areas.

12
13 Deputy Staff Director Orlin,
14 The survey of multi-family residents?

15
16 Sandra Brecher,
17 In general, no. Only in north Bethesda are we beginning to do that. The survey is
18 generally for employers. But in north Bethesda, because we do have a TMD that is
19 offering services to multi-family residential in that area, we are starting to do some
20 surveys.

21
22 Deputy Staff Director ORLIN,
23 Is there a place where there's some information just let me finish this point, in the multi-
24 family residential, of course is the census every 10 years, which does ask the question
25 how do you get to work? And that's done by census block. But also the Planning Board
26 for a long, long time has done other surveys like this, census type surveys asking the
27 same question. In I guess the third year of the decade or the seventh year in the
28 decade, so three times in a 10-year period they'll ask this question. There's at least
29 some information available about the residentially based mode shares. I'm sorry. I just
30 wanted to make that --

31
32 Councilmember LEVENTHAL,
33 All right. That's fine. What's next?

34
35 Deputy Staff Director ORLIN,
36 Going on towards the bottom of the first page of the addendum, the final draft --
37 summing up what the final draft has in it. The staging plan requires the TMD
38 demonstrate achievement of these mode share goals that I mentioned earlier prior to
39 stage 3. So there really isn't a review of progress explicitly by the Planning Board. They
40 may do it for other reasons. But in terms of the Shady Grove plan until after stage 1 and
41 stage 2 has occurred. And the total of stage 1, stage 2 is recommended by the Planning
42 Board -- and this is a typo in the packet, is 3,540 new housing. It's not 3000. I apologize
43 for that. And 2650 new jobs. So that amount could proceed without this kind of check.
44



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1 The Planning Board is recommending that specific transportation improvements occur
2 at various stages. The Metro access road, Crabbs Branch Way interchange prior to
3 stage 2, and the Redland Road and Crabbs Branch Way road improvements prior to
4 stage 3. But there's no specific requirement that the intersections as a whole meet any
5 requirement at least beyond what would be looked at as part of the growth policy, local
6 area review.

7
8 So that's the Planning Board's recommendation to the final draft. What did the PHED
9 Committee do? Many of the same things are repeated here. The TMD would be
10 established prior to stage 1, and the physical improvements I just mentioned are also
11 required at the same point. [INAUDIBLE] station access interchange and Redland Road
12 improvements stage 2 and 3 respectively. However, one of the things they did
13 differently was to put the traffic mitigation in terms of trip reduction rather than
14 percentage transit. This trip reduction is actually the measure that the Planning Board
15 uses when it does traffic mitigation agreements, not so much transit mode share. It's
16 also, given the numbers that are being presented by the Planning -- by the PHED
17 Committee being proposed are really much tighter in terms of requiring more reduction
18 than what the transit mode shares would. Specifically the committee's recommendation
19 the trip reduction goal be 50% reduction from trips from residential development in the
20 policy in the planning area and 35% reduction in trips from nonresidential development
21 in the planning area. The 50% trip reduction recognizes the same as what's required
22 under the alternative view procedure if the developer chose that option. But as you'll see
23 a little further down the page, the difference here is that this would be mandated, that
24 any development above a certain size would have to do this as part of their condition of
25 subdivision approval.

26
27 The nonresidential recommendation is a 35% trip reduction. Now, again under the arch
28 it's a 50% that would be required, but the thought here was that a lot of the employment
29 that's in the plan is actually a pretty far piece in terms of walk to the Metro Station,
30 particularly the technology corridor. And the 35% trip reduction seemed more
31 reasonable to the committee. That's much more aggressive than 12.5% transit mode
32 share goal that was in the final draft.

33
34 The key differences are not only the peak trip reduction percentages but also that these
35 mitigation agreements would be mandated on new developers as opposed to an option
36 as condition of subdivision approval. That developments generating at least a hundred
37 new peak hour trips fall under this mandate. If they're smaller than that, then they don't
38 have to meet these goals. Ms. Praisner and the minority of you felt the threshold should
39 be 50 new trips rather than a hundred. That the County Service Park should be treated
40 as a special case and that, regardless, even if it doesn't add any new trips, that it should
41 be mandated to enter into this agreement. And that prior to stage 2, rather than stage 3,
42 there would be a review to see how well these mitigation plans are working. And in fact,
43 as a net result of all the developments that were approved in stage 1, don't need these
44 specific trip reduction goals, the 50% and the 35%, then you can't pass go. You can't go
45 to stage 2.



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1
2 Finally, in terms of the intersections, looking at the intersections, at the end of stage 1
3 prior to going to stage 2, there would be review of all the major intersections in the
4 Shady Grove Sector Plan area, and all of them would have to be at least no worse than
5 the existing traffic that existed at the time the plan was approved or the applicable
6 standard, which remember the 1800 for the volume, policy area and 1475 outside. If
7 that were not the case, then again you could not proceed to stage 2. That's a little
8 tougher than what just regular local area review would be. Because local area review,
9 you could have a situation where the background traffic continues to rise and rise and
10 rise, and you know the rule, the hippocratic oath is applied to the growth policy, which
11 development can be approved if you do no harm. May not do any good to the
12 congestion but as long as they do no harm, they're allowed to go forward. Here you
13 have to at least bring it back to where it was when the plan was approved, which could
14 be several years earlier. That, in a coconut shell, I guess, is what the PHED Committee
15 did.

16
17 Councilmember SILVERMAN,

18 I want to make a couple of comments. First of all, we're on an interesting parallel track
19 with Fairfax. They are reviewing their Vienna Plan, which is called the Fairly Metro West
20 Development and the Vienna Metro Rail Station. And I pulled off the web -- and I know
21 Dan has this now -- the 239-page study that urban transconsultants did in reaching the
22 conclusion that the trip reduction targets for that proposed project, which is 47% for
23 residential and 25% reduction for office uses is achievable, and they have sort after
24 litany. This isn't rocket science, but it's a litany of examples of measures that can be
25 used, transit subsidies, bike racks, less parking, et cetera, et cetera. But it's interesting
26 just in the timing that they're having the same challenges with this project as we are
27 here, which is how do you tell folks in an area where you're putting a lot of housing and
28 you're calling it smart growth that were actually committed to doing something about
29 traffic congestion relief. So the proposal that's coming out of the PHED Committee, will
30 in fact be a higher number of trips reduced, both residential and nonresidential, than
31 what our counterparts in Fairfax are apparently willing to accept. But I think, more
32 importantly is that we have taken a good plan on the transportation side and made it
33 better, the same way, I believe, we've done by adding a workforce housing component
34 to the plan that was sent over by the Planning Board. In my opinion, if we can't be
35 saying with a straight face that we're going to create the most aggressive trip mitigation,
36 TMD plan in the history of Montgomery County's planning process, then we shouldn't be
37 putting 6350 units in play even if it happens to be next to a Metro.

38
39 And I think the other key component here is that we've basically said that, instead of
40 3500 some change housing units that could move ahead, we are basically stopping
41 progress at 2540 units before they can move to the next stage. If we haven't seen the
42 results of what we had. So the safeguard is basically there that essentially says there's
43 only going to be so much development that will occur. And if the trip mitigation
44 requirements aren't met, if the major intersections aren't operating, then you don't get to
45 go to the next phase.



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1
2 This is, I think in our opinion, achievable because it is at Shady Grove. And if we're
3 going to have a test of smart growth, then this is the best opportunity to do it. I would
4 also say, as a heads up, we're starting the Woodmont Triangle plan.

5
6 Oh, Marlene. You get two days off. One day. Oh, sorry so sorry.

7
8 We're starting the discussion on Thursday, although it's just a general discussion, but I
9 would intend to have the same issues raised in connection with the Woodmont Triangle
10 because the overview there is about 1600 more residential units that will be
11 recommended by the Planning Board for downtown Bethesda. So I think this at least
12 provides us the opportunity to be a lot more aggressive in terms of the development --
13 developers who are going to be doing this.

14
15 The other piece is what do you do with the other 50%? And I really think that's our
16 burden in terms of how serious we're going to be about TMDs. And without getting on a
17 soapbox, because we've had this discussion before, a lot of this is a question of so how
18 many people do we want to have on the ground? How much money do we want to put
19 into freewheeling days or fare share programs or super fare share programs or any
20 other kind of partnerships that we can do to get people to stop driving to work alone.
21 And so that would at least be my answer to folks in the Derwood/Shady Grove area
22 about what happens to the other half. I'm not naive enough to suggest we're going to
23 take everybody off the road, but I don't think we've done a fraction of what we could do
24 if we really wanted to be aggressive about it. We are also -- Is this the part where we
25 should talk about Rockville and Gaithersburg, about how we really, really want them to
26 be part of this?

27
28 Councilmember LEVENTHAL,
29 Before we do that, there were questions about --

30
31 Councilmember SILVERMAN,
32 I just wanted to close the piece. That's all, if I could, just on interrelationship with
33 Gaithersburg and Rockville on this.

34
35 Deputy Staff Director ORLIN,
36 The staging?

37
38 Councilmember SILVERMAN,
39 No. On TMDs. Before we get to staging.

40
41 Deputy Staff Director ORLIN,
42 Do you want to try to field this, Sandy? Or do you want to?

43
44 Sandra Brecher,



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1 That's fine. I think we've had pretty positive response from Rockville. I've actually been
2 playing telephone tag with Larry Marcus, so I don't have an up to date this week kind of
3 response on that, but I think they're still very interested in going forward with us in
4 partnership to create a viable entity in this area. Gaithersburg, there's nothing I can say.

5
6 Councilmember SILVERMAN,
7 That would be positive you mean.

8
9 Sandra Brecher,
10 There's nothing I can say.

11
12 Councilmember PRAISNER,
13 We need to send in our urban search and rescue.

14
15 Councilmember SILVERMAN,
16 At least one member of it.

17
18 Deputy Staff Director ORLIN,
19 I'll try to say something.

20
21 Councilmember PRAISNER,
22 Good.

23
24 Deputy Staff Director ORLIN,
25 I realize that it's further away from this. I think the city's concern is that they didn't want
26 to join a TMD where there would be fees potentially charged on development there.
27 Their preference would be that they get the benefits for the programs and maybe not
28 have to have their developments pay the fees. I think. And so one of the things that I've
29 sort of encouraged folks in terms of development --

30
31 Councilmember SILVERMAN,
32 Like their MPDU policy?

33
34 Deputy Staff Director ORLIN,
35 I'm sure there's more nuance than that. Maybe we can talk about it when we talk about
36 the TMD resolution. The TMD resolution can be crafted so the boundaries just include
37 Rockville, the part of Rockville that pertains to this is, and the nonmunicipal part of it
38 with the ability to add Gaithersburg at a later time. The last set of conversations that I
39 know of have not led to them wanting to join in the TMD.

40
41 Councilmember SILVERMAN,
42 I'll just make the following comment, which is I'm not sure what its going to take in terms
43 of the cities of Rockville and Gaithersburg. Perhaps we can embarrass them into it, but
44 the fact of the matter is that we have to be crystal clear that we want them -- I mean, I'm
45 talking about to the public as a whole. That we want them as partners, that there is



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1 incredible amounts of development going on within the municipalities of Rockville and
2 Gaithersburg, which we have no control over whatsoever and here is a viable place for
3 us to be partners with those two jurisdictions. And it just seems that that message has
4 got to get out there loud and clear. And whatever tools of persuasion we have to make it
5 happen -- gosh, I wish Mr. Subin was here.

6
7 Deputy Staff Director ORLIN,

8 One good tool is that if the super fare share program does as well in this area as it's
9 done in other places, I would think some businesses in Gaithersburg would think, gee,
10 why can't we have any of that action? The answer is that you can't have any of that
11 action unless you are in a TMD.

12
13 Councilmember LEVENTHAL,

14 Okay, Mr. Andrews was waiting to ask a question.

15
16 Councilmember ANDREWS,

17 As Sandy said, I think there's a significant difference between the position of the two
18 cities on it. The question I had about the mitigation plan, I understand the TMD needs to
19 be done before stage 1. That's clear. Right? The mitigation plan is mandatory.

20
21 Now, the question is how do you measure not only the success of the mitigation plan --
22 how do you actually measure whether the trips have been reduced by that amount, by
23 50%, whether that's been achieved? And then, if it hasn't been achieved, what next?
24 What do you do then?

25
26 Councilmember SILVERMAN,

27 Talk a little bit about these agreements and the stick that's in them.

28
29 Sandy Brecher,

30 Okay. Well, as I said, it's been our approach in the past to measure --

31
32 Councilmember SILVERMAN,

33 Wait a minute. Somebody new at the table. You have to identify yourself for whatever
34 the --

35
36 Chuck Heinz,

37 Chuck Heinz, Park and Planning, TDM Coordinator.

38
39 Sandra Brecher,

40 It has been our past practice to measure this using the survey, as I said. It's my
41 understanding, with the Shady Grove approach, that we're going to need to take a little
42 different approach, which is to do basically driveway counts at these developments. As
43 far as --

44
45 Councilmember SILVERMAN,



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1 What's a drive --

2
3 Sandra Brecher,

4 Counting the number of vehicles that are entering during the a.m. peak would probably
5 be -- you know -- the approach to the bus, possibly do an a.m. and p.m. count. And do it
6 at various points over a period of time and try to get a reading on exactly what the trip
7 generation is for that particular development.

8
9 Councilmember ANDREWS,

10 This is the trust and verify approach.

11
12 Sandra Brecher,

13 Yes. I'm not just the trust part is even there, just the verify. No trust implied there.

14 Generally those counts have been paid for by the developers, and Chuck can speak in
15 more detail to how that process works. They don't do them themselves. They hire a
16 contractor that's acceptable to the Park and Planning and do that.

17
18 We would still want to conduct the survey, however, even if it isn't the mechanism by
19 which we measure our success in this particular instance because, as I mentioned
20 before, it's a marketing tool for us, and it also is a little bit of another measure of how
21 we're doing. It's a tool for us to go back to those employers and talk to them about why
22 they ought to be interested in participating with us to a greater extent, to participate in
23 the super fare share programs, to put into place telework programs, et cetera, if we can
24 show them what their employees' commute profile is and how it is or is not contributing.
25 Some employers are very receptive to that. Others are not. And there aren't many sticks
26 that we have with the employers, other than once this becomes a TMD, they will --
27 those employers with 25 or more employees will fall under that Bill -- I keep referring to
28 it as Bill 32-02. I hope you understand what I'm saying. It's the TMD mandates that the
29 Council passed. We can talk about what those are if you want. But they will fall under
30 those mandates. Each of those employers in those buildings need to do a plan -- a
31 traffic mitigation plan.

32
33 You asked me, Councilman Silverman, to address the agreements. It's actually
34 something that we do jointly. Park and Planning and the DPWT negotiate traffic
35 mitigation agreements. This is with the developers. That's distinguished from the traffic
36 mitigation plans that we have with the employers. And those generally we try to
37 implement as stringent of a program as we can within the parameters that the Planning
38 Board gives us to operate under, in terms of what the conditions are that are
39 established at the time of the approval. We have some standard provisions that we
40 always require in terms of some contact people and that they participate in the survey,
41 again to get to the people we're really after which is the employees. So we negotiate
42 those agreements according to what the conditions of approval are.

43
44 Councilmember ANDREWS,



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1 So let's say that you've now got what you believe is an accurate count of what's actually
2 going on, because you're doing the verifying, monitoring. Let's say it's not what the
3 agreement calls for. What do you do next, and what are your options?

4
5 Chuck Heinz,

6 I can speak to that, because that's something we're struggling with right now with a
7 couple of developments. The first step is, if they're not meeting their agreement, then
8 we would set a meeting with them to tell them -- usually the counts are quarterly. We'll
9 monitor them for a period of time and we'll say the trend has shown that over the last
10 year the quarterly counts have shown that you have not met your trip count goals. So
11 we'll set up a meeting with them and we'll ask them to do more and there's back-and-
12 forth correspondence. Yes, we promise to do more. And we monitor them for another
13 period of time. If that fails, we usually have the authority to take them back to the
14 Planning Board to have the Planning Board review their program, and the Planning
15 Board can weigh in on whether the program is working or not or what they can do better
16 to meet their goals. If that ultimately fails, if the -- this is the last resort, if for whatever
17 reason the Planning Board and the applicant can't come to a conclusion to actually
18 meet their goals, if it can't be achieved, there's two sticks that we can employ. One is
19 building permits. If it's a staged development, we can hold up some of their
20 development until they meet their goals. The other is a performance fine where the
21 developer prior to plat recordation, they post a performance fine. And it has a value that
22 decreases over time depending on the term of the agreement. But the county or the
23 Planning Board or the County have at their discretion the ability and the authority to
24 cash that bond if they can't meet the goals over a certain period of time and after certain
25 measures haven't been effective over time in terms of meetings and Planning Board
26 dates and so forth and so on. There has only been one case in the history of the county
27 where we've actually gone that entire route.

28
29 Councilmember ANDREWS,

30 That was my next question. Things don't work out and it continues not to work out, you
31 can cash the performance bond and use that money to spend on transit or other
32 incentives?

33
34 Chuck Heinz,

35 Correct.

36
37 Sandra Brecher,

38 However, I think it bears mentioning that generally the agreements we have with
39 developers that are in TMDs do not have performance bonds associated with them
40 because the approach that we have taken is that they don't generally have their own
41 specific goals. Their objective is to participate with the TMD. Now in Shady Grove,
42 because you're trying to be much more aggressive, that might be something that you
43 would want to look at.

44
45 Councilmember ANDREWS,



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1 Choir performance bonds.

2
3 Sandra Brecher,
4 Perhaps.

5
6 Councilmember SILVERMAN,
7 It would absolutely be something that we would want to look at.

8
9 Sandra Brecher,
10 But that is a different approach.

11
12 Councilmember SILVERMAN,
13 Right. However, it's no different than the approach that the Planning Board takes
14 outside of the TMD scenario. Correct?

15
16 Sandra Brecher,
17 Well, you're right if it's a development that has a trip objective.

18
19 Chuck Heinz,
20 I'm sorry?

21
22 Councilmember SILVERMAN,
23 Does Discovery have a performance bond?

24
25 Chuck Heinz,
26 I don't think so.

27
28 Councilmember SILVERMAN,
29 Because?

30
31 Sandra Brecher,
32 They're in a TMD. They're in a TMD, and they're required to do certain things as part of
33 their traffic mitigation agreement in conjunction with the approval, but that's not -- there's
34 no performance -- there's no specific performance required of them.

35
36 Councilmember SILVERMAN,
37 I thought that a condition of Discovery's approval was they entered into a --

38
39 Sandra Brecher,
40 Oh. A traffic mitigation agreement. Yes. They have to participate with us in the TMD to
41 try to achieve the mode share goals of the TMD. They don't have their own specific
42 mode share goal. Actually, Muriel, I don't remember if in their agreement there's
43 anything specific. I don't think we have anything in there that specifically -- we wouldn't
44 have been able to do that on our own. It would have had to have been a condition of
45 their approval in any event. I don't know if you recall if that was or not.



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1
2 Planning Board Chair Berlage,
3 I don't. But certainly we do require bonds.

4
5 Councilmember ANDREWS,
6 Achieving that trip mitigation result is especially important here, and I think we need a
7 performance bond.

8
9 Planning Board Chair Berlage,
10 I think the Council should make that statement clearly, and then the board will just do it.

11
12 Councilmember SILVERMAN,
13 Make it so.

14
15 Planning Board Chair Berlage,
16 Mm-hmm.

17
18 Chuck Heinz,
19 In the case of Bethesda, if a group of employers didn't meet their goal, then the door
20 comes down.

21
22 Councilmember PRAISNER,
23 On everybody else. Not to them.

24
25 Sandra Brecher,
26 Right.

27
28 John Carter,
29 There is that check.

30
31 Councilmember ANDREWS,
32 Some people don't respond well to peer pressure.

33
34 Speaker,
35 Yeah.

36
37 Councilmember ANDREWS,
38 And if a company is done in terms of their building, you don't have building permit as a
39 hammer.

40
41 Sandra Brecher,
42 Right. Frankly, unless you establish a specific goal for each of those developments, you
43 can say that the goal is the same as what the overall goal is, I suppose you could do it
44 in that way. But you have to tell them what it is they have to achieve. We haven't done
45 that in the past. We've never established a specific mode share objective or specific --



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1 we've had a few major developments where we've said you can't exceed a certain trip
2 generation, but it's been pretty rare. Alcor is an example of that, and we're wrestling with
3 that right now in our agreement with them as far as, they have a long-term maximum
4 number of trips, but as you stage it and go through it, what's the goal along the way?

5
6 Chuck Heinz,

7 The problem with Alcor, in terms of their -- we didn't require a performance bond at the
8 reason why is because Alcor sits on WMATA property. It's a lease arrangement with
9 WMATA They have a 55-year lease. And the attorney stressed to us that they can't get
10 from the financial institution a security instrument for a lease arrangement. [INAUDIBLE]
11 It's complicated at Alcor.

12
13 Sandra Brecher,

14 They aren't a party to that. [INAUDIBLE] It could be, yes.

15
16 Planning Board Chair Berlage,

17 Why don't we take a look at what we've been doing and make sure that whatever we do
18 here we do the best possible -- best possible --

19
20 Councilmember ANDREWS,

21 Yeah. The big issue here is the credibility of the plan. We've got to be able to enforce it.

22
23 Sandra Brecher,

24 Right. And that helps us of course. If they know that they have to achieve a certain
25 objective, that's going to help us go out there and work with them. They're going to be a
26 lot more interested in working with us than if it's just sort of a vague notion, well, I've got
27 to participate and cooperate and that's it.

28
29 Councilmember ANDREWS,

30 Right. Thanks.

31
32 Councilmember LEVENTHAL,

33 Ms. Praisner.

34
35 Councilmember PRAISNER,

36 I guess, in all of the detail lies the rub of what we've done in the past and what we
37 haven't done in the past, and I think as Councilmembers have talked about it, as we've
38 talked about it in the committee, the fact that we're not collecting revenues in north
39 Bethesda, the fact that we don't have performance bonds for all of these, the fact that
40 we don't necessarily go out and track it unless you have some kind of a complaint
41 perhaps or through the surveys which are helpful, I think, more from a marketing
42 perspective than -- and maybe to the extent longitudinally you have information. But
43 they're not a substitute for real monitoring and real tracking, it seems to me.



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1 I will not than able to be at the Thursday PHED Committee meeting because I'll be out
2 of town, but I think it would be helpful, whether it's through the Woodmont or through the
3 master plan -- and I know Ms. Floreen is very interested in this issue. We get it also in
4 the budgets through the parking districts and urban district kinds of questions. And I
5 don't remember if the committee -- I couldn't find it in my pile of materials, but I didn't
6 bring everything up. I don't remember if we had a spreadsheet that showed the different
7 kinds of requirements within each of the TMDs that we have that lays out when they
8 were established and what is incorporated within them and to whom it applies within the
9 TMD.

10
11 And I hadn't been in the McLean/Vienna area on a regular basis in a long time, but the
12 Vienna Station is very different from Shady Grove from a standpoint of, as I recall --
13 from the standpoint of the original areas and the mix. So it would be helpful to know
14 those kinds of information. I think we had some conversations about end of line stations
15 and development at those stations and traffic at those stations and mix in traffic, et
16 cetera, for those stations. But to look at end of line stations from a standpoint of traffic
17 management is entirely different issue than, say, looking at Twin Brook or looking at
18 Bethesda or looking at Friendship Heights. And so to extent there is comparable
19 information or we can look at it that way, I think we need to be as aggressive as
20 possible when we're talking about the end of station line here.

21
22 I don't remember where the areas of potential annexation are as it relates to the two
23 municipalities. It may be way outside where a TMD might be eligible but we might want
24 to think about putting possible annexations, a requirement that they participate in the
25 TMD at some stage of the process, which would make it at the time of annexation it
26 would have to be or whatever. From a standpoint of bringing people to the table with the
27 municipalities.

28
29 I think there was one other point I wanted to make. I think we were very aggressive
30 initially on TMDs, and I think the staff has done terrific work, but they just highlighted for
31 us the inconsistencies of not having a performance bond, of not collecting, et cetera, or
32 some of the things where I think we could be -- I agree with Mr. Silverman -- much more
33 aggressive in our requirements, in our monitoring, and in imposing the kinds of fees that
34 we need to make the programs effective. Now is as good a time as any to start working
35 on that -- not just at Shady Grove and not just in the Woodmont/Bethesda area we're
36 week looking at that but everywhere where we have a TMD. And north Bethesda comes
37 to mind.

38
39 Deputy Staff Director Orlin,
40 Just a reminder on the fees, the Council authorizes whether or not a fee can be done
41 [INAUDIBLE]

42
43 Councilmember PRAISNER,
44 I understand that. I think we need to find out what the Executive how committed to GO
45 Montgomery he is.



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1
2 Councilmember LEVENTHAL,
3 Mr. Knapp. Where's Mr. Knapp? Oh, you're on.

4
5 Councilmember KNAPP,
6 Thanks, sorry. We have in here the -- what we're looking for for the reduction in trips.
7 From what I would understand about our discussion so far, we're expecting that most of
8 the people who are going to move into this area are likely going to take Metro. There
9 was a discussion in the packet earlier about Metro's capacity. But I was just curious as
10 to, if we have 50% trip mitigation and that is all expected to be on Metro, does Metro --
11 can Metro actually handle that additional capacity coming out of that station?

12
13 Deputy Staff Director ORLIN,
14 Well, the discussion we had about the capacity was that, yes, that it could if that was all
15 it was, and it can accomplish more than that, too. But the problem of Metro capacity is
16 one that is everything that happens on the red line north of Dupont Circle.

17
18 Councilmember KNAPP,
19 Right.

20
21 Deputy Staff Director ORLIN,
22 And so it's difficult to pin on this plan the amount of development, what happens down
23 at the next Farragut North. That in the long-term there is going to be a capacity to
24 crunch for everything that comes down and, in fact, a much bigger contributor to the
25 problem, if this is a problem, is the core city's transit way. [INAUDIBLE], most of these
26 people are going to take the subway and a large proportion are going to the
27 [INAUDIBLE] point. It's a little bit like, I hate to say the but I'm going to say it anyway. It's
28 a little bit like the Shady Grove of mid-county intersection. At what point do you talk
29 about things as a constraint when it's a regional problem. And the same thing is true
30 here. Please don't let's have another discussion about that. And it's the same kind of
31 issue.

32
33 Councilmember KNAPP,
34 I guess that's been my concern as I've been listening to this. It's great on a piece of
35 paper and it's wonderful theory, but what actually happens on the ground? Realistically,
36 if you can't achieve 50% reduction because you just can't physically achieve it, what
37 happens?

38
39 Dan Hardy,
40 I think there's two things. One is the belts and suspenders in the PHED's program is
41 that we have staging plans. If it doesn't happen for those in stage 1, we don't go to
42 stage 2. The second is that, if we look at when Metro does the expansion program that
43 Glenn talked about, we're talking about 10,000 additional seats coming every hour in
44 the peak hour at the Shady Grove Metro Station. We're talking about comparing this to
45 6000 plus or minus growing units even if everybody wanted to take Metro, which they



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1 won't. Then about 40% travel in one peak hour, that's about 2 to 3000 people, that in
2 our wildest dreams wanted to get on Metro -- we're hoping to get 10,000 more seats up
3 there every hour for them to get on.

4
5 So, just like Glenn mentioned on the highway side, there is absolutely capacity in the
6 Metro system to take this kind of development. It's just a question of what else comes to
7 Shady Grove? Like the CCT and like parking spaces that compete for the seats.

8
9 Councilmember KNAPP,
10 Which are all things that we're hoping happen.

11
12 Dan Hardy,
13 A little bit of parking. Absolutely the CCT.

14
15 Councilmember KNAPP,
16 Right. So we necessarily know we're creating something -- if our plans come to fruition -
17 - that breaks.

18
19 Dan Hardy,
20 I don't think that's true. One other than the timing of the Dupont Circle to Farragut North
21 question is where the regional capacity is. When the state did the work on the corridor
22 city transit way, they identified eight new cars needed in the peak period on Metro to
23 handle that additional load brought by corridor city transit way. So there are some new
24 cars needed for each of these different groups of potential Metro patrons.

25
26 Councilmember KNAPP,
27 I'm not satisfied with that yet, but we'll come back. The other thing is I agree that we're
28 looking at end of the line capacity when we compare between Shady Grove and look at
29 Vienna. And you're looking at similar types of stations, so I would expect in all likelihood
30 we would probably have higher goals than they would in Fairfax. One of the places that
31 is typically the model to look at in kind of the number of people who take transit, and
32 obviously it's laid out differently, is Arlington. Do they have specific requirements or trip
33 mitigation requirements that are put in place in development in Arlington County?

34
35 Dan Hardy,
36 They do. Again, we talked a lot about parking. Essentially, as we looked at Arlington
37 County as an inner suburb, we've looked at our goals and objectives in comparison to
38 Arlington and found we're fairly competitive. The places in Arlington that are close to the
39 capital beltway are like our Bethesda Friendship Heights. We think we're doing the
40 same kinds of things Arlington are, but we have to recognize the fact that we are a more
41 distant from the core suburb. That's what's realistically achievable.

42
43 Councilmember KNAPP,
44 I understand. Are their trip mitigation requirements similar to what we do in
45 Bethesda/Friendship Heights?



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1
2 Dan Hardy,
3 In terms of looking at what types of programs they put in place. But I think they are
4 comparable for the distance from the core. I think actual, Sandy, there are some
5 comparison of specific executive programs in the attachment that made some
6 comparison.

7
8 Sandra Brecher,
9 It's been a little while since I looked at that.

10
11 Councilmember KNAPP,
12 It's in here somewhere?

13
14 Dan Hardy,
15 Yeah.

16
17 Sandra Brecher,
18 It does talk about the Arlington residential space program in here.

19
20 Councilmember KNAPP,
21 Okay. Thank you.

22
23 Councilmember LEVENTHAL,
24 Mr. Andrews.

25
26 Councilmember ANDREWS,
27 Dan or Glenn, I think you cited the objective increase of 10,000 capacity to thousand
28 seats. Is that rush hour or per hour?

29
30 Dan Hardy,
31 Per hour.

32
33 Councilmember ANDREWS,
34 Is any of that dependent on Metro taking our seats?

35
36 Dan Hardy,
37 No. That's using the assumed 75 seats per car from CMDs but not the removal of the
38 seats.

39
40 Councilmember SILVERMAN,
41 They will have people on the platforms shoving people in.

42
43 Councilmember LEVENTHAL,
44 Next item?



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1 Councilmember SILVERMAN,

2 Okay. So that sort of covers the transportation side of the staging plan, so we can move
3 then to, oh, page 56, closer to 59. 56 and 57 are just sort of the general overviews
4 about the staging plan. I think we ought to go right to the committee recommendations
5 from Marlene which are contained on --

6
7 Marlene Michaelson,

8 We have them in two places in the memo, it's 58, 59. But Karen also, for those of us
9 who like graphics, tried to summarize the information, yes, on this chart. It may be a
10 little easier to kind of draw to the main points.

11
12 As we discussed before stage 1, we'd have to adopt the zoning and sectional map
13 amendment and establish a TMD. The first stage has approximately 2500 dwelling units
14 and 1600 jobs, and that gets to move forward. The intent here is to make sure that, if
15 the County Service Park relocates, that we're not delaying them so they would be given
16 the stage 1 capacity. We want to make sure that the staging does -- that the staging is
17 not the thing that would hold up relocation if, on every other point, it's determined that it
18 should go forward.

19
20 Councilmember KNAPP,

21 Could you explain a little bit as to how the committee or Planning Board got to the
22 numbers for the stages? Why 2540 as opposed to 2000 or 3500?

23
24 Marlene Michaelson,

25 I think actually, in this case, the numbers do in fact represent the County Service Park
26 plus some limited ability so that we're not effectively saying they would be the only one
27 who could get to develop and the door would be shut on everyone else. And that's
28 exactly how we got to these first stage numbers. Plus a little bit of additional capacity for
29 some smaller projects to go ahead.

30
31 And then, before you can move to stage 2, we talked about the evaluation of the T-
32 mags and the intersections. The other facility issues that we looked at was we'd start to
33 reevaluate the need for the school and make sure that MCPS is beginning to program
34 accordingly. They've indicated they would not physically need a school before stage 3,
35 but this is the appropriate time for them to start planning. There would be one park
36 would be funded. It may be a dedication. It may be an acquisition.

37
38 Councilmember LEVENTHAL,

39 May I ask a question at this point? This is the first use, and there's several in stage 3,
40 either word "fund", does that means included in a CIP perhaps for five years in the
41 future?

42
43 Marlene Michaelson,

44 No. It could be either public or private funding. And so we specifically left it open. It
45 could be that the county has made a determination that we are prepared to fund it. But if



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1 we are not, for whatever reason, and the private sector wants to move ahead with
2 development, then they would need to fund it.

3
4 Councilmember LEVENTHAL,
5 What does funding mean?

6
7 Deputy Staff Director ORLIN,
8 Typically it means it follows the growth policy rule which currently would be, if it's a road
9 that's required, it has to be funded for completion within the first four years or next four
10 years, if it's a school the next five years.

11
12 Councilmember LEVENTHAL,
13 So the answer to my question is, yes, that it would be included in the CIP.

14
15 Marlene Michaelson,
16 I meant to say that we're not sure that it would be public or private funding. In terms of
17 the timing it would be included.

18
19 Councilmember LEVENTHAL,
20 A PDF would be adopted by the County Council, that's what funding would mean.

21
22 Deputy Staff Director ORLIN,
23 Right, if it's a road it might be a state road, that might be in the state CTP but basically
24 you're right.

25
26 Councilmember LEVENTHAL,
27 I'll have more questions. Let me go ahead now because I've got the floor. Before we get
28 into stage 3, this comes into stark relief after the discussion we had last week about the
29 roads in Clarksburg. It's one thing to fund something in the expectation that it will be
30 available. It's another thing to have people actually living there expecting that it will be
31 available some indefinite number of years in the future.

32
33 Deputy Staff Director ORLIN,
34 In the growth policy, it's four years out, because what you're relating to is when would
35 the road be delivered versus when would the housing or jobs that's in the subdivision
36 approval, that's before the Planning Board at the time, be realized? These numbers
37 have bounced around a little bit over time. We were five years for a while on roads.
38 We're back down to four. Schools at one point was four. It went up to five. It's been in
39 that general range the last 20 years.

40
41 Marlene Michaelson,
42 I did want to also refer you back to the PHED Committee's recommendation that there
43 be an implementation plan that is adopted before we go to the zoning or the first stage
44 of development that would try and deal with some of the issues beyond just funding
45 concerns. How do these things actually happen? How are they coordinated?



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1
2 One of the list of issues was the coordination of public facilities, making sure they're
3 there when they need to be there. I think this is in direct response to failures to have
4 coordinated that properly in the past, trying to come up with a plan that does a better job
5 of it.

6
7 Councilmember LEVENTHAL,
8 Ms. Praisner.

9
10 Councilmember PRAISNER,
11 I think George raises the point of chicken and egg and which comes first in that you're
12 not going to built a facility -- we just don't build the facility before some sense that the
13 people are there. And part of the problem, except for maybe some of the road
14 infrastructure but some of the facilities, there's a lag time on and the question is what's
15 an acceptable level of lag time to have the confidence level that you need for a facility
16 and yet not burden the folks or the existing facilities too dramatically.

17
18 Part of the problem, I think, is that we've seen more aggressive development, and that's
19 a piece of you know a school is going to be here and the development starts to occur
20 before you can finish the school. Matsunaga is a great example of the development
21 comes in and the yields may be off as well. I don't know how much better -- I think we
22 should try and do a better job, but the question is how much better you get. At least,
23 with this situation, you have a place where you have some tying it to staging so that you
24 can't go forward with anymore. Absent that, you only have, say, an area in moratorium
25 under the growth policy which doesn't exist anymore from that perspective limiting
26 development, and you had loopholes that kept being added to allow development to go
27 forward anyway, either mitigating the increases or or timing the construction of projects.
28 When we do the reconciliation on AGP and CIP, you get comments about this needs to
29 be programmed at this time period in order to fit within the expectations for development
30 or we would have areas and now we can for schools put areas in moratorium.

31
32 Marlene Michaelson,
33 There are also --

34
35 Councilmember PRAISNER,
36 I think that's an ongoing issue that is highlighted to some extent by Clarksburg. The
37 complexities in Clarksburg are what are developer obligations versus county
38 obligations, how do they fit together, and who's making sure that they all fit together.
39 And that's part of what we're trying to do with having somebody who has some
40 responsibility for implementation.

41
42 Councilmember FLOREEN,
43 Can I just comment on that point, George?

44
45 Councilmember LEVENTHAL,



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1 Go ahead. Sure.

2
3 Councilmember FLOREEN,

4 Because not everyone has heard what we talked about in the T&E Committee. We did -
5 - there was a helpful exchange with various county staff to understand some of the
6 issues that play into their definition of funding when a permit is let and so forth, and we
7 have asked them to come up with better programs for coordination under the
8 circumstances and get back to us in a couple of weeks, and I am hopeful that that might
9 give us some tools for this implementation strategy that would be part of this plan
10 ultimately as well, because much of the issue is -- in Clarksburg is timing where things
11 have been approved in an independent sense of different projects and there is less of a
12 coordination of some of the timeframes and some of the assumptions there than folks
13 would like. We need to have a better control on that issue. It's not that the infrastructure
14 isn't coming. It's that it's not clear when it is and whether we can do a better job of
15 moving some of this forward. That we hope to get an answer on, at least make some
16 steps towards getting better clarity on in the next couple weeks, and hopefully we'll be
17 able to use some of those suggestions in the implementation plans for this.

18
19 Councilmember LEVENTHAL,

20 And that clarity is supposed to be coming from the DPWT?

21
22 Councilmember FLOREEN,

23 And Park and Planning as we talked about in T&E.

24
25 Marlene Michaelson,

26 I also just want to note that we have two very dramatic measures before you can move
27 to stage 3. One is that the language in the staging says construct the elementary
28 school. It doesn't say fund. It says, before you can go to stage 3, you have to have an
29 elementary school.

30
31 Councilmember LEVENTHAL,

32 That's another question about words, because construction could take several years.

33
34 Councilmember PRAISNER,

35 An elementary school is basically a one-year construction

36
37 Councilmember LEVENTHAL,

38 18 months.

39
40 Councilmember PRAISNER,

41 It is a school year.

42
43 Marlene Michaelson,

44 The other point is here is the fourth bullet, review all public facilities and determine
45 whether any changes to the plan are required. This is supposed to be before stage 3.



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1 This is supposed to be an overall check of where are we, what's going on, have we kept
2 up -- in theory, if there were a problem on timing of development with roads not being
3 constructed in a timely manner, this would be the check to say we need to stop and
4 catch up or we need to do something different. I think, from the community's
5 perspective, this particular requirement is what they're considering the safety net of
6 making sure that we're doing a comprehensive review of where we stand on public
7 facilities.

8
9 Councilmember LEVENTHAL,
10 How does that play out? The Planning Board does that?

11
12 Marlene Michaelson,
13 Yes.

14
15 Councilmember LEVENTHAL,
16 They do that as a process? Here we are on stage 3 and it's an agenda item for the
17 Planning Board? Do they have the legal authority to halt moving to stage 3? It sounds
18 kind of vague.

19
20 Speaker,
21 Absolutely.

22
23 Marlene Michaelson,
24 I mean, that's how our staging typically works is that the Planning Board has to give ago
25 ahead. They have certain criteria that must be met.

26
27 John Carter,
28 Maybe a little perspective, if you will, for a second given that last weekend was the jazz
29 performance in Silver Spring. There's a jazz piano, Les McCann, a famous song he
30 wrote was called how to make it real compared to what? If we compare this to other
31 plans, you look at the numbers being pretty small increments, like a thousand jobs or a
32 thousand units compared to other plans, Bethesda plan that was 5,000 and 10,000
33 increments. Increments are much tighter here. It's the first plan I know -- and maybe
34 somebody else knows better -- the first time I know of we've applied it to any aspect of a
35 school -- an elementary school. There are small increments, easier to track, and
36 certainly a real teeth of the Planning Board able to stop it at each of those increments.
37 That's the difference between this plan and previous staging plans which were much
38 larger increments, perhaps a few more loopholes in those and not quite as broad in
39 terms of the kinds of things that are staged.

40
41 Karen Kumm Morris,
42 Also this plan will allow approximately about 55% of the total amount of housing to go
43 before we hit the stage of reviewing the adequate public facilities. That's only 3500
44 units. And then we'll look at the questions out of the board and evaluate whether we



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1 should open up to stage 3 or not. This doesn't even go near the whole buildout of the
2 6000 [INAUDIBLE]

3
4 Councilmember LEVENTHAL,
5 Mr. Knapp.

6
7 Councilmember KNAPP,
8 What's the anticipated yield per dwelling unit for this area?

9
10 John Carter,
11 Yield in terms of school yield?

12
13 Councilmember KNAPP,
14 Bodies in a house. How many --

15
16 Karen Kumm Morris,
17 The population that will result from this development is about 12,000 new people, new
18 residents.

19
20 Councilmember KNAPP,
21 That's less than two people per unit? If we're going to build 6300 units --

22
23 Karen Kumm Morris,
24 Yeah. That's using county-wide standards for the apartments and multi it varies by the
25 unit .

26
27 Councilmember KNAPP,
28 Okay. Building upon the questions that George had asked, one of the things I think that
29 we've seen is an an acceleration because we've got a unique market right now. Not
30 quite as unique. It's been the last eight to nine years or at least seven or eight years in
31 which clearly there is tremendous demand. And so you see stage 1 going very quickly.
32 And so we get to the end of stage 1 and look at all of these things need to be done
33 before stage 2. And so I presume all these things we put within a CIP. But then, as
34 Glenn just indicated, it's still likely to take four years for those things to be constructed
35 while you're still -- if the market conditions hold, you're still then going to see a pretty
36 accelerated process to get through stage 2. And so you run the risk of having 3500 units
37 on the ground realistically before you -- even though you funded these projects before
38 they're even constructed. And to some extent, as least as it relates to some of the
39 transportation components, we're really kind of playing on the margins, and so it's not
40 going to take a lot to kind of tip the scale to really -- we don't want to break things, but
41 we're kind of right there. Yes, the infrastructure pieces are going to be addressed, but
42 how much frustration do we create in the community because we're playing right on that
43 margin, especially if the market is still hot before we get these things put in place. Is
44 there a way for us to look at effectively some market assessment?



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1 I mean, one of the reasons I ended up having the conversations in Clarksburg a year
2 ago is having watched what happened in Germantown. The marketing conditions
3 accelerated. No one anticipated it. As a result, even though the next elementary school
4 was planned for the Matsunaga area, it wasn't planned for another five years before it
5 got built. The planning was done right. We just had no mechanism to be able to
6 accelerate the fact that what happened on the ground was something -- we couldn't
7 react in I'm. I guess that's the piece I would like to be able to try to figure out how we do
8 here. Is there a way for us to look at the acceleration of these facilities in the event that
9 the market conditions continue and so that those are accelerated quickly?

10
11 Councilmember LEVENTHAL,
12 Go ahead.

13
14 Councilmember PRAISNER,
15 It depends on what thing you're talking about. If it's the school because it's in the early
16 stage and will have to be solved within the first two years where it's going to be, you
17 have the site and you have a fairly standard process. You can move on that. It's a
18 matter of bumping something else perhaps and putting them in the CIP.

19
20 Marlene Michaelson,
21 This is very much linked to the Council funding decisions.

22
23 Councilmember PRAISNER,
24 And could be a priority.

25
26 Marlene Michaelson,
27 Exactly. Maybe if it's within the first four years it triggers stage 2. But if the Council has
28 information that development is proceeding rather quickly, you'll have to make a
29 determination on the funding, whether that justifies moving it up. It will have to be tied --

30
31 Councilmember KNAPP,
32 I guess that's my point. How do we recognize the signs? That's the the part. I kind of
33 saw some of the signs because I'd lived through it in a community, so I knew to look for
34 similar things in the next community. But it's still taken a lot of time to get everybody
35 else to see those signs. Who would we know as a Council that we need to accelerate
36 those funds priorities? Is it number of permits polled? There are lots of ways to look at it.
37 How do we get the measurement?

38
39 Marlene Michaelson,
40 The only thing realistic is to track building per
41 mits. Frequently people will file the early stages after plan and perhaps not do anything,
42 but once you're actually beginning construction, get to the building permit phase, then
43 we know the construction's real. And so perhaps one piece of this staging plan is to ask
44 the agencies to be tracking construction patterns, building permits.



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1 Councilmember FLOREEN,
2 That's the whole reason why we put that language in. AGP to make sure that the
3 Planning Board told us their approvals, what we need to be --
4

5 Councilmember KNAPP,
6 What's the measurement? If you have a thousand units polled, in what timeframe does
7 that make it something we need to pay attention to? Or 2000 permits polled in some
8 timeframe? You still have to have the context. I want to make sure we at least think
9 about this.
10

11 Councilmember LEVENTHAL,
12 Let me get some basics down here, too, if I could. We only do a piece in the county
13 every 20 years. So we don't generally rely on the master plan except in a few cases like
14 Clarksburg and Shady rove where we're actually building new towns. We're not
15 supposed to be approving in theory the subdivisions unless we've got the schools,
16 roads, parks, et cetera that they need. And so the answer to Mike's question is all in the
17 AGP. It's not in the staging requirements in the master plan. Staging requirements in the
18 master plan are an extra layer of certainty. But the way you're supposed to fine-tune is
19 is through the AGP. Is there anything that I have said that is wrong?
20

21 Deputy Staff Director Orlin,
22 A couple facilities are not included in the growth policy --
23

24 Councilmember LEVENTHAL,
25 Parks are not.
26

27 Deputy Staff Director Orlin,
28 Parks, for example.
29

30 Councilmember LEVENTHAL,
31 Fire and rescue is not on the AGP.
32

33 Councilmember PRAISNER,
34 Fire and rescue is.
35

36 Deputy Staff Director Orlin,
37 There's explicit test, quantitative test for that. Basically the way it work it is now is they
38 get comments from the fire and rescue service and one of the questions Mr. Andrews
39 raised two years ago, which will be discussed next month, should there be a
40 quantitative test?
41

42 Councilmember LEVENTHAL,
43 I understand. I'm plunging to try to answer Mike's question.
44

45 Councilmember PRAISNER,
46



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1 You're right it's the AGP. It's just that not every facility we're talking about here is within
2 the AGP.

3
4 Councilmember KNAPP,

5 It also depends on the policy. One of the things we've talked a lot about in using CBDs
6 was a model for how we do these things is it helps build a sense of place in community.
7 One of the ways we're looking to build a sense of place and where we're going to put a
8 lot of meeting space is going to be in the library. You run the risk, if I look at this right, of
9 not having the library until probably eight or nine years after you've got a vast
10 majority of development already on the ground. And yet that's going to be our primary
11 place to create a sense of place within this master plan. How do we tie those two pieces
12 together? I think we need to spend some more time thinking about that, because I think
13 we don't have a good mechanism right this second.

14
15 Councilmember LEVENTHAL,

16 Could we move the library before stage 2? How are these things arrived at? Why is the
17 library in stage 3? Is there anything magic about waiting until near the end to do the
18 library?

19
20 Karen Kumm Morris,

21 Yeah. Library was a result of the PHED Committee.

22
23 Councilmember SILVERMAN,

24 We fund the library. The only issue, I would say, that prevents us from moving the
25 library up is; A, competition with every other library. And, B, a determination as to, of
26 course where it will go. And then, if there's any linkage as to when it would have to be
27 built in the context of other developments. So I'm not suggesting this is the way it is,
28 because I wasn't around at the time. But the Germantown library, I assume, had to be
29 built after the rest of the town center.

30
31 Councilmember LEVENTHAL,

32 There was no staging in Germantown, was there?

33
34 Councilmember SILVERMAN,

35 I'm not talking about staging. What I'm saying is the issue -- the issue of where this
36 happens to be is -- you've put it in this stage, but we control the library. We control the
37 library unless there is a physical impediment to us accelerating it. That's why I was
38 asking about Germantown. Can we get an answer to that?

39
40 Sue Edwards,

41 Sue Edwards with Community Based Planning, Park and Planning. The difference for
42 Germantown was there was not a specific master plan reference to a library. It was as a
43 result of the growth in the Germantown region that the library need was determined and
44 accelerated because of the usage that was -- you know -- usage statistics that were
45 available.



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1
2 Councilmember LEVENTHAL,

3 So following up on that then, on this chart where you've got to fund the library before
4 you get to stage 3 to my point and Mike Knapp's point that's still five years later before
5 you actually have a library or six or seven, however long it takes to build a library. Was
6 that recommendation -- I don't know whether or not that originated in Silver Spring or
7 here. Was that recommendation based on some formula of how many new library users
8 would be there at that point consistent with other library needs? The library department
9 says we'll need a new library when the number of users reaches "X" amount in this
10 graphic area.

11
12 Councilmember SILVERMAN,

13 No. We don't have a user driven. We have a two-mile driven.

14
15 Marlene Michaelson,

16 Let me just clarify that the staging is not in any way meant to prevent a determination
17 that there's a need for a public facility before stage 3 or at an earlier time. And so, the
18 county needs to be continuing to do its assessment through its capital facility planning
19 and through the CIP every year. And so, that's when library standards would apply.
20 What this is saying is how long we feel we can hold up or what triggers will hold up
21 private development. And they may run exactly parallel with the staging. It is entirely
22 possible that the school system or Department of Public Libraries or even Park and
23 Planning for parks will say we've determined that there's a need at an earlier time.
24 They're going to have to be doing that simultaneously, and the staging plan in no way
25 removes their responsibility to do that and to be telling the Council when they think they
26 need these public facilities.

27
28 Councilmember KNAPP,

29 I guess what I want to try and do -- and we had this conversation at the committee
30 meeting last Thursday -- is to begin to put some more proactive elements to this
31 process that forces a red flag to be raised so that the Council -- because, by the time
32 some of this occurs, some of us may not be here, we may move on to different things.
33 What affirmatively says, okay, you've got 3000 building permits that have been pulled
34 and accelerated -- much faster than we anticipated. The Council at least needs to
35 address this issue, because we rarely go back and go through the master plans and
36 say, well, how are we doing? The answer might be that's why you have the nine of us
37 up here. It's our job to make sure we're talking to everybody and that we see the
38 concern. It would seem we'd want to have some more proactive mechanism and to think
39 about what that trigger would be.

40
41 Councilmember LEVENTHAL,

42 Well, I guess I'm saying the same thing, just to back up what Mike is saying. The lesson
43 I took away from the T&E Committee last week which I found enormously illustrative
44 and revealing. I'm walking out of the meeting saying, geez, wouldn't it be cool to build
45 the roads before the people move in? And is this language -- people say the United



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1 States was crippled for years because of the quote-unquote lessons of Vietnam. It may
2 or may not be to the lessons of Clarksburg. Obviously they're on our minds here
3 because, for one big reason, that was the last major master plan, unless I'm wrong, that
4 had staging in it, and thus far we're not delighted with the results. So now we're -- what
5 are the lessons learned? We're looking at this. And all of this language seems to me
6 awfully loose. That if I'm a resident having moved in in stage 1 or stage 2, the idea that
7 something is funded but isn't on the ground and won't be on the ground until my kids
8 graduate college is not going to be fully satisfactory.

9
10 Councilmember KNAPP,

11 But to your point, George-- and it's not just Clarksburg. If these places had been more of
12 a green fields type of development, it's a matter of making sure that flag gets raised. I
13 think people can legitimately say that in the Germantown Master Plan the facilities were
14 effectively outlined, but you had a lot of the people there, and you didn't have all of the
15 pieces. And people -- you know -- the real question on the ground was you knew all the
16 people were going to be here. Where is everything? You've even seen that in response
17 to some of the activities in Clarksburg. They had to wait for it in the last community, so
18 the people up here are going to have to wait. That's not a particularly satisfying answer.
19 When theoretically we spend all this time going through a planning process to identify all
20 of the pieces, but then to tell everybody on the backside we knew you all were coming
21 but, here are all the things you're going to have to wait for anyway.

22
23 Councilmember LEVENTHAL,

24 Ms. Floreen followed by Ms. Praisner.

25
26 Councilmember FLOREEN,

27 The good news is that this is a far more aggressive set of staging elements, I think, than
28 we've had in the past. And there's a lot of history here. Let's just agree that the
29 challenge -- this one thing to put it in the master plan. It's another thing to fund it in the
30 budget over and above other kinds of competing priorities. In the past that was left more
31 to the Executive Branch to say we need to do it and this is where I choose to prioritize it
32 in my budget. There's a lot of -- there have been many debates over the years about
33 facility master plans for different agencies, fire and rescue, police, schools. And as you
34 know, we get it in kind of an incremental way without necessarily a master plan
35 recommendations for this stuff.

36
37 So the good news is that this is a lot better and a lot clearer than we've seen in the past.
38 The tricky part, of course, is producing it and actually budgeting for it.

39
40 Planning Board Chair Berlage,

41 Well said.

42
43 Councilmember FLOREEN,

44 And actually allowing it, perhaps, to push aside other competing priorities. And that
45 actually was always the point of the annual growth policy to get the Council to fund the



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1 infrastructure. That was actually the idea. We're edging towards more of that here in
2 terms of identifying priorities and identifying some significant timing objectives for those
3 priorities to be met.

4
5 You can't do everything in one document about saying, okay, in 2010 we will fund this
6 school, end of story. At least you can say you establish triggers and you identify this as
7 where are you going to go and how are you going to get there and sorry folks out there,
8 our project can't proceed unless we have worked this out or you got us a solution. Much
9 of what's happening in Clarksburg is because it's in the throes of all this happening.
10 [INAUDIBLE] But I do think that things like this, especially the library part, especially the
11 elementary school part, are steps that I don't think have been taken before. And I think
12 this is tremendously helpful. The thing that worries us all is who's going to make sure
13 that this happens under the right circumstance. And that's the part we have not finished.

14
15 Councilmember LEVENTHAL,
16 Ms. Praisner followed by Mr. Andrews.

17
18 Councilmember PRAISNER,
19 I think this is a great discussion, because it's helpful for all of us to identify, based on
20 what we're talking about and learning from Clarksburg and have that fresh in our minds,
21 but I want to remind folks that Clarksburg may be the new area where we're frustrated
22 that certain roads are not connected the way they were supposed to or certain things,
23 but there are lots of communities within this county that are waiting for facilities that are
24 assumed in master plans and for which there is a ton of development that has occurred
25 or redevelopment and there are no facilities. Mostly when you get into what might be
26 considered a less than mandatory facilities. So that there may be roads or there may be
27 public transportation, et cetera, and there are -- we're probably in better shape with
28 schools than we are with library, rec centers and public safety facilities.

29
30 I just want to remind you about something that I think I made a comment about a while
31 ago and something that the MFP Committee has been trying to grapple with a little to try
32 to institutionalize and is complicated. Outside of the annual growth policy conversations.
33 But we had a conversation with Mr. Romer, and I believe Mr. Berlage was there at the
34 time or somebody from planning staff. The point is every one of our master plans
35 identifies facilities within them. Roads and community or government facilities, they're
36 associated with them. And those are supposed to provide the framework for individual
37 departments who are supposed to have their own facility assessment process. I think
38 the Library Department is probably the best, and Park and Planning from a standpoint of
39 identifying through the pros and with direct department, et cetera, how many parks you
40 may need and what kind, how many ball fields you may need and what kind. We haven't
41 stopped development because of the lack of ball fields. We haven't stopped
42 developments because of the lack of libraries. But at the same time, those are the same
43 kinds of things we're talking about when we talk about services and a sense of place or
44 a feeling on the part of the community that they're consistent needs that are identified
45 within the county of our philosophy are being met based on criteria. We talked about rec



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1 centers or community centers yesterday and a base of criteria how the Rec Department
2 evaluates what its need may be, how that works its way into facility planning and how it
3 works its way into construction and the CIP. The conversation we had within MFP is to
4 try to get Mr. Romer and Park and Planning folks and OMB to more aggressively have a
5 list of facilities that are within and have departments more aggressively have a strategic
6 plan that identifies what their facility or operating and capital budget needs are and then
7 have a way in which the data collection of what's occurring and the long range plans of
8 the department mesh in a way that identify CIP needs that are listed. So, for example,
9 we aren't scrambling because the police department wants to move its district
10 headquarters from downtown Silver Spring to somewhere better within its service area
11 to accommodate the district that's created. Without that somehow surfacing within the
12 CIP process both from a this is a future need, this is a facility planning item -- because
13 you got to go through facility planning before you have an estimate of cost -- and then
14 how do we get it in the CIP? Further complicated by a philosophy of the current County
15 Executive which I think most Councilmembers, at least when they've talked in the past,
16 have not agreed with that, if it doesn't ripen at the right time for the biennial CIP, facility
17 planning, and construction process, he's not inclined to send over a supplemental or not
18 inclined to modify the CIP, which means you catch the wave of the two-year cycle or
19 you wait longer, which, if you have done facility planning, you know it sometimes gets
20 out-of-date and therefore you're reinventing the wheel. All of this is to say that I think my
21 colleagues are all talking about the same thing. Trying to have better coordination,
22 having better organized way of identifying what needs may be there beyond what an
23 AGP may require and integrating it with planning such that it has an effect on our capital
24 budgets. It has an effect on when development occurs and how. And it has an effect on
25 a community that they have some sense of when something is going to occur and some
26 commitment that is going to be there. Those pieces have to fit together. And they don't
27 adequately.

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30
31 [MISSING TEXT]

32
33 Councilmember ANDREWS,

34 Then you have most of the public facilities back loaded, and it's before stage 3, which
35 could be a very wide variety time in terms of the time between stage 2 and stage 3 as
36 well as the time it takes to actually construct it or to have it fully realized in the CIP. It
37 could funded theoretically at the very end of stage 2 but the five years out or six years
38 out from there. That is a long way off for people in the community.

39
40 And it certainly is heavily back loaded in terms of the public facilities in terms of when
41 they would be built. It is vague and think it is concentrated too far back. Karen, you
42 emphasized that by the end of stage two there are 3540 units if you have the full
43 buildout. That could be built at that point. But that is more units than the entire King
44 Farm at buildout for the King Farm, which is 3200 units. I look at it in that perspective.



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1 That is a large number in the scheme of things. Even though it is about 55% of what the
2 full buildout would be according to the -- if all of the County Service Park were moved.

3
4 I wanted to have some discussion about how these two compare. We talked almost
5 exclusively about the top page, which is the relocation of County Service Park and the
6 second page shows the staging without relocation of the County Service Park. And what
7 struck me was how similar they are. There's only one difference. The difference is, of
8 course, the number of units in the development goes from 6340 to 4100 plus whatever
9 bonus density there is. But in terms of the description of what would happen for stage 1,
10 for stage 2, for stage 3, they are identical except for under stage 3 on the construction
11 of a second local park, that's the only difference between the two. Am I missing
12 anything?

13
14 Karen Kumm Morris,

15 The main difference between the relocation scenario and the know location scenario is
16 a different number of units, different stages and under no relocation, we only get one
17 local park. Those are the big differences there. And we would have to acquire that first
18 park, which would be on Casey 6 under no relocation of the County Service Park and I
19 think it would be required. You wouldn't have the partnership involved in dedicating that
20 site to us.

21
22 Councilmember ANDREWS,

23 It is good for the community that apart from that second park, the public facilities are not
24 tied to the relocation of County Service Park.

25
26 Marlene Michaelson,

27 Well, if the County Service Park is not relocated, it probably means the county will be
28 required to pay for the school site. It would be provided -- right, it's still provided but as a
29 funding matter that shift. It is the recreational facilities that are the predominant
30 difference.

31
32 Councilmember ANDREWS,

33 One other point I wanted to make that is somewhat connected but I'll make it because
34 it's short. Looking at the map, this has been a concern of the community for a while and
35 I think that Park and Planning has indicated that in the future they will address this but
36 the lines that are used to define this area, if you look at any of the maps, you really need
37 a map that shows outside the area. You're looking at this map you can see the planning
38 area for the Shady Grove Sector Plan excludes residential areas, they're actually closer
39 to the Metro then some that it includes, excludes that area that Karen's pointing to. That
40 is residential. You can't see in there. They are actually closer to the Metro and then
41 some of the areas that are in the plan. That's been a concern, that area that she's -- the
42 gap there is in the Upper Rock Creek master plan and Mill Creek Town is north there,
43 it's beyond there and that is not in the plan either. Derwood I noticed, very interested in
44 having a planning area of its own so that that doesn't happen again and I wanted to say
45 I'd think that is needed given the old logic in some respects of how the lines are drawn



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1 now. And how they divide natural communities that are in this case actually closer to the
2 Metro then some areas that are in the plan. I think you talked about that before and you
3 indicated, Mr. Chair, that you were looking at that at the very least.

4
5 Karen Kumm Morris,
6 The PHED Committee did make a motion to have stronger language saying that the
7 next time the planning for this area that it would address that issue and we can figure
8 the planning area boundary line.

9
10 John Carter,
11 Page 20 has that. Perhaps one version of the Derwood, future Derwood planning area.

12
13 Councilmember LEVENTHAL,
14 Mr. Silverman.

15
16 Councilmember SILVERMAN,
17 I just had my light on because I --

18
19 Councilmember LEVENTHAL,
20 All right, what is next?

21
22 Councilmember SILVERMAN,
23 Doctor Orlin. Ms. Michaelson.

24
25 Marlene Michaelson,
26 I think it's whether you have any further questions about the staging plan?

27
28 Councilmember SILVERMAN,
29 One thing that I don't remember. Maybe my colleague the Chair of the HHS Committee
30 remembers this. Do we recall where the Laytonia Library, which is now going to be the
31 Shady Grove Library, is in the scheme of things?

32
33 Councilmember PRAISNER,
34 In CIP, you mean.

35
36 Councilmember SILVERMAN,
37 Marlene, if you could scope that out, and ship it around because I think this
38 development is not -- is not going to drive the decision about having a library. This
39 library is in this development because the animal shelter is going --

40
41 Councilmember PRAISNER,
42 We're relocating it.

43
44 Councilmember SILVERMAN,



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1 We are relocating it, right. So in terms of if you are saying if this suggestion is moving
2 up, the policy decision would have to be made that we're moving up and tying it into
3 staging because of this development. I think the question -- policy question is going to
4 be where does this fit into the mix of our library schedule?

5
6 Marlene Michaelson,
7 Again, I go back to nothing in the staging plan would prevent the construction of any
8 needed public facilities or at an earlier time, that needs to be an ongoing review.

9
10 Councilmember SILVERMAN,
11 Having said that, the Council may want to do that because if we are saying this is a
12 critical piece, sort of a community, then that may be a justification to say we want to sort
13 of accelerate this and something else.

14
15 Councilmember LEVENTHAL,
16 Please forgive us, Mr. Chairman, for thinking the library was a critical component of the
17 staging given that the chart has the library as the first element before stage 3, it's not
18 surprising we might surmise from that that the library was considered by the committee
19 as a component.

20
21 Councilmember PRAISNER,
22 It was more associated with where it would be, not that it would be. The question is you
23 have two possible sites. Don't you?

24
25 Councilmember SILVERMAN,
26 I mean, a lot of the decision about the library would be out of our hands but if it turns out
27 that the library is going to be on the WMATA site, then to what extent is that going to be
28 tied in to WMATA decides to do.

29
30 Marlene Michaelson,
31 That is part of the issue that the committee focused on in terms of the timing is we have
32 two potential sites for the library and the availability of the sites is going to depend on
33 when they read develop. A County Service Park area is one site if it doesn't relocate,
34 that would be out. WMATA is another site. Until WMATA decides they're ready to
35 redevelop we are not going to be able to have the site. So the question is if you move it
36 up, it could be that if WMATA says they will not redevelop, the entire rest of the planning
37 area is held up until they are ready to provide the site. That is the complication on the
38 library.

39
40 Councilmember LEVENTHAL,
41 Any more questions regarding staging?

42
43 Councilmember SILVERMAN,



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1 Okay. I think -- all right. Marlene -- I think we talked -- we did the Urban District. Didn't
2 we talk about the implementation plan already? We did in one of these other things.
3 Let's talk for a second about process, Marlene.

4
5 Marlene Michaelson,
6 I would like to is just recap what I heard the Council say they would like to see before
7 we return, which I assume will be in November at some point. I will go through what I
8 heard and ask if there's anything you feel there's anything you need before you will be
9 ready to take action at this later time.

10
11 Councilmember SILVERMAN,
12 By the way, I have to say that we hope that we will all remember two months from now,
13 the discussion that we had.

14
15 Councilmember LEVENTHAL,
16 Our staff will refresh our memory.

17
18 Marlene Michaelson,
19 The request I have heard --

20
21 Planning Board Chair Berlage,
22 Let's go to the videotape.

23
24 Councilmember PRAISNER,
25 We will be required to watch the videotape.

26
27 Marlene Michaelson,
28 The request I heard is information on the public process for relocating the County
29 Service Park and also additional information on potential options for the relocation
30 including industrial land in the county and an update --

31
32 Councilmember LEVENTHAL,
33 Can I make a quick note on that? There's a lot of details that we want in that, it will be
34 important not to deal -- not to describe the Service Park as this big a amorphous mass.
35 We talk about each component, the liquor warehouse, a bus depot, each different
36 component because we may end up moving some but not all so we shouldn't only talk
37 about the Service Park as a single thing.

38
39 Marlene Michaelson,
40 An update from Rockville on their adequate public facilities ordinance. Analysis of
41 options -- and the MOUs -- an analysis of options for putting TDRs on WMATA
42 properties. We're going to need zoning tax amendments to allow TDRs in the TOMX
43 zone and the RMX 2-C zone for the committee's recommendation.

44
45 Councilmember LEVENTHAL,



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1 No one's watching this on television -- we have lapsed far from the English language
2 here.

3
4 Marlene Michaelson,
5 I am happy to spell out all the acronyms.

6
7 Councilmember LEVENTHAL,
8 We need subtitles.

9
10 Councilmember SILVERMAN,
11 Immediately switching to the Rockville station.

12
13 Councilmember PRAISNER,
14 Watch their annual public facilities.

15
16 Marlene Michaelson,
17 You ask for some options to deal with the issue of houses of worship and how we can
18 ensure they are incorporated. You ask for a comparison of zones that we used in
19 central business district and transit stations zones and how that compares to the TOMX
20 zone. You asked for a chart comparing the different Transportation Management
21 Districts in the county. You have asked for information on end of line stations and how
22 other jurisdictions are handling traffic mitigation. An then an update on the status of the
23 library that you just added. Is there anything else?

24
25 Deputy Staff Director Orlin,
26 A couple things on my list. I didn't bring my list with me. I didn't realize we were doing
27 lists. One thing for sure is the continuous flow intersection, you want to have an
28 equivalent of knowing what a pedestrian impact statement would be, how pedestrians
29 would cross their and whether the 10-foot wide lanes would be safe in that area.

30
31 Councilmember LEVENTHAL,
32 And issue that came up, the staff told me that Mr. Andrews asked about the feasibility of
33 county development, the County owned land, as an alternative to land swaps or having
34 the private sector do that. I wonder if that's something that we can get more information
35 on. Am I correct restating your question, Phil? I was out when you raised it. The county
36 becoming the developer for some of the county owned land.

37
38 Councilmember ANDREWS,
39 We were having a very broad discussion about whether the current model of providing
40 affordable housing was working, would relies with MPDUs and would rely with
41 workforce housing on a percentage of market rate housing. The comment I made was it
42 is not producing, Mr. Subin made this comment as well. It is not producing the amount
43 of affordable housing that we need and do we keep doing that or look at a different
44 model, which is for the county to build housing, whether middle class, affordable
45 housing, which the private sector used to build and which a lot of the county consists of



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1 especially Twinbrook, Wheaton, Kensington, Silver Spring. That is we're not seeing.
2 We're not seeing those affordable small three-bedroom homes. And yet there would be
3 great demand for them. Because developers can build extremely large houses and sell
4 them. They are building those the they're profitable. What happens is, what will happen
5 with Shady Grove is if we require the housing they will get built, the rest of the homes
6 will be more expensive to make up for that. We are not going to get to a large quantity
7 of middle-class housing under the current scenario.

8
9 Councilmember LEVENTHAL,

10 So when we're talking about the county we're really talking about HOC?

11
12 Councilmember ANDREWS,

13 HOC or -- presumably but not necessarily.

14
15 Councilmember SILVERMAN,

16 HOC's model is not what you are talking about. I guess what I was going to comment on
17 is there is nothing in this master plan that precludes that Council and the Executive for
18 making a decision that if we want to pick up the County Service Park and place some of
19 or all of it some place else that rather than doing it as part of some land swap with the
20 private sector, that in fact we would just eat the cost of shipping the liquor warehouse
21 someplace else and we would take that land and use it to build an apartment building
22 for teachers or any number of these other things that some other jurisdictions have
23 done at a very micro level. I am not aware, interesting question, I am not aware that any
24 jurisdiction in the country has taken on wholesale development of -- I hate to use the
25 word public housing but I am not sure what they use. There have been isolated
26 incidents where 40, or 50 units for teachers or firefighters or something have been
27 done, which doesn't suggest that we shouldn't go down exploring some path but the
28 bottom line is at least in this master plan, we control what the future is of the County
29 Service Park. We, the Council and the Executive, if the decision was made to not do a
30 swap, we can take some of or all of that and do our, quote, our own house or ask HOC
31 or somebody else to do it.

32
33 Marlene Michaelson,

34 And while this is clearly an important issue it is also not -- who does the developing on
35 these properties, it is not necessarily something that needs to be addressed in this
36 sector plan. It is a separate, bigger policy issue that the Council needs to deal with.

37
38 Councilmember LEVENTHAL,

39 I understand that we can be as -- we can provide very limited guidance in this sector
40 plan and all kinds of things may actually happen on the ground that we never talked
41 about in the sector plan. On the other hand, some number of us are going to raise our
42 hands and vote for something that will be perceived as a blueprint for something very
43 specific. People will say the Council has voted for "X" number of housing units, we know
44 what those will look like, we think we know where those will go, they'll probably look just
45 like King Farm because it is right across the street. People have certain assumptions



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1 and this is what I have been saying about the County Service Park. I have felt from the
2 get go that it isn't good enough to say all we have done is made decision "A" and
3 without prejudice as to decision "B" because the public will perceive that decision "A"
4 leads to a decision "B" and that by making a decision "A" we've already made decision
5 "B". I'm not sure how to draw out Phil's point about trying to paint a picture of an
6 alternative for how we might use this county owned land so it is the same question I was
7 asking earlier in reference to the 32-acre site. We made a good effort to ensure that
8 although we were making some folks unhappy up there along Bowie Mill Road by
9 arranging for the disposition of the 32-acre site, we were getting the maximum benefit
10 out of it in terms of affordable housing and is there any way we could devote some
11 thoughts to painting a picture of what something might look like that would provide the
12 maximum benefit presumably with the county planning a major role in shaping that. I
13 understand they may go beyond the constraints of the sector plan usually consists of
14 and we may not adopted in the sector plan but as we communicate the rationale for why
15 we're doing this, why we are doing all this density, why we're doing all these units? And
16 if a primary rationale is because we have got to build a lot of units in order to get
17 affordable units, we might want to have a fairly robust explanation of how we are going
18 to get affordable units, which Phil's point, I am sorry that I was out from 11:00 to noon
19 this morning, but my staff relayed to me what was said what the market particularly
20 driven by MPDUs that in return for getting a fairly small percentage of affordable units,
21 the market drives developers build the rest of the units in large percentages, 75% of the
22 units, highly looks and getting purchased by doctors and lawyers and heirs and people
23 who inherit money. God knows who buys them, I can't afford them. Is there some way to
24 address that point?

25
26 Marlene Michaelson,
27 The body of the master plan is going to deal with the zoning. To the extent you need to
28 think there's a different zoning or land use pattern, we need to put it there. The other
29 thing the Council can do as part of the process but not within the master plan is in the
30 resolution, if you feel you want to offer guidance to the Executive on what you think
31 needs to be criteria for what should be done on the County Service Park that is
32 something you can do as well and I think that is what you were attempting to do in
33 Olney was set of standard of what percentage of affordable units should be considered
34 as part of any bidding process.

35
36 The master plan issues are what are the zoning and the design issues, some of these
37 other policy questions can certainly be something the Council gives direction on in your
38 resolution. But certainly from staff perspective, we need to have a clear understanding
39 of what direction you want to go in. We want some specific standards for affordable
40 units, which would clearly relate to the cost element of this or if you want to do
41 something else.

42
43 Councilmember KNAPP,
44 We are doing it by suggesting directly in the master plan that 10% of the housing, the
45 work force, the question is --

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1
2 Marlene Michaelson,
3 If you want to go beyond that.

4
5 Councilmember KNAPP,
6 Does someone want to go beyond that with language and what does it mean anyway?
7 We can put all kinds of encouraging language at the end of the day, all of us can say
8 whether there is something in a document or not we'd like to see more than that. The
9 end judgment is going to be when -- there's actually something put in front of us that
10 says this is the framework for a proposal if you want to do something more, here's the
11 cost-benefit analysis. We can certainly put more language in, whether it is in the master
12 plan or the resolution.

13
14 Councilmember LEVENTHAL,
15 I am not sure specifically we're asking Marlene to provide us with but I know where I am
16 is where I have been from the get go, which is this entire plan hinges on an expectation
17 that we are going to trade significant county assets to the private sector and the
18 question in my mind is in return for what to? And what has been presented to us,
19 whether it is fully flushed out in this sector plan or whether we all basically know that this
20 is what we will end up with, is that we're going to trade significant county asset right
21 here in Metro for 15% MPDUs, 10% workforce housing and 75% I'll just call them
22 unaffordable housing.

23
24 Councilmember SILVERMAN,
25 And a County Service Park to be named later.

26
27 Councilmember FLOREEN,
28 That doesn't exist.

29
30 Councilmember LEVENTHAL,
31 A lot of density that will take off the people who already live there. [INAUDIBLE]

32
33 Councilmember PRAISNER,
34 If the County Executive's point, which no one has said no, that shouldn't be a goal, the
35 question is how achievable it is. The point is you build the replacement for all of these
36 on your dime. That means we don't have to spend its in our CIP, which means we have
37 those funds available for other policies that is a big issue.]

38
39 Councilmember LEVENTHAL,
40 Duly noted. And a new liquor warehouse. And a new EMOC and the rest of that. Is that
41 a trade of the Councilmembers are going to think is a good trade off? And are there
42 other ways of approaching?

43
44 Speaker,
45 That is the plan.



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Councilmember ANDREWS,

One of the approaches if I'm understanding has been suggested in the alternative is that rather than have the private sector develop it we might look whether the private sector can develop it, that is a question I would like to devote more time thinking about.

Marlene Michaelson,

Obviously a completely different cost scenario.

Councilmember SILVERMAN

There is nothing in the plan that precludes it if Mr. Leventhal or anybody else wants to have some language in a resolution or even in a site plan that says more clearly that the County Executive should take into consideration a higher numbers than 10% or any variation on that. I don't have any objection to it. It doesn't have any -- doesn't have any significance of the event has a statement of what the goal must be.

Marlene Michaelson,

Basically it is a fiscal issue, the zoning is in place to do this whether to do this public or private. That is the master plan issue is that the right zoning and density to achieve it. Who does it, is it county or private? It will not be addressed in the master plan. If you have a fundamental underlying zoning, then these are issues you can deal with as you go through [INAUDIBLE] some other context.

Councilmember LEVENTHAL,

Well, okay. I understand that but the reality is that a specific entity has purchased land in the expectation of a specific outcome and a fair amount of time and effort has gone to mapping out what that outcome might look at.

Councilmember SILVERMAN,

Actually, no. No, as long as we're being direct about it. Miller and Smith on the web tract. They're going to develop a web tract for industrial property. It would be better for them to have one chunk of county stuff going on there because then that is better for them because they don't have to go out and find other tenants. But they have 100 something, 130 acres or whatever it is of approved industrial land and so it is in their interest to try to do this but if this doesn't come to fruition they will have to go out and get other tenants there on that.

Marlene Michaelson,

I believe the same is true --

Councilmember SILVERMAN,

[INAUDIBLE] The other property that they have and if it doesn't play out, this becomes part of some package, they go develop it as the plan outlines.

Councilmember PRAISNER,



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1 I put my light on to make sure that from your list perspective, what I would like to
2 suggest is that you circulate that as a memo because there are Councilmembers who
3 aren't here and also because it may trigger something else and that would be the
4 comprehensive list that includes the transportation things from Glenn's perspective and
5 also Ralph's zoning text amendment issues to the extent there are any or might be.

6
7 We also heard individual Councilmembers who said they might be interested in certain
8 issues and I think those are outside of unless there is some language that we are
9 asking people to develop.

10
11 Marlene Michaelson,
12 No question, I just want to make sure from the staff perspective – we have given you
13 what you wanted.

14
15 Councilmember PRAISNER,
16 I think you have done that and I have to go back and look at my list in the packet, but I
17 think you have done that. The comment I want to make -- that is what I put my light on. I
18 would like to make a comment about the conversation just now.

19
20 I think the zoning is an issue of the master plan and our goals on workforce housing,
21 which I think, Marlene and I had ask you to look at some language for the document on
22 workforce housing that more adequately will be available to be modified based on
23 where we are with that issue. In the language to an extent that says the Council is in the
24 process of working to develop a workforce housing program and when adopted, it would
25 apply to this zone and these parcels and we say that within the master plan so that folks
26 know that.

27
28 Marlene Michaelson,
29 I am assuming that language to put in the resolution. Not something we need to discuss
30 further because there seems to be consensus there.

31
32 Councilmember PRAISNER,
33 The comment I would make is based on the most recent conversation about whether
34 the county does something or the private sector does it, is a function of a variety of
35 things. But including what kind of configuration of units you want and what kind of mix, it
36 is also a function of what happens through this RFP process, which we heard about and
37 the comfort level of the responses on that, which might lead others to want to explore
38 alternatives if they felt that those were not adequate. So that speaks to, if you want to
39 put something on the list, not specifically to the plan, but I think yesterday or the day --
40 yesterday, I asked Lisa for a document not inconsistent with our request for a document
41 about publicly owned land that would state what processes we are using, where we are
42 and the timetable for them. She said something about an RFP within the next 30 days. It
43 is more than just the RFP I think we need to know. Because one of the things is a
44 decision about what you do with the RFP, which would relate to whether it is private
45 sector or public.



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Councilmember LEVENTHAL,
Mr. Andrews.

Councilmember ANDREWS,
Thanks. The scenario is that Karen, as you put together the maps that show various scenarios of either full relocation of the County Service Park or no relocation, and then two that have a combination. You have got a couple combinations in here where it is mixed. There are other possible combinations, and I guess the controlling point is the public facilities are the same except for the second part between the no relocation and the full relocation. There's only one public facility that might be picked up with a mix of the relocation.

Karen Kumm Morris,
The location of the library changed to the County Service Park stays. It moves down to WMATA. Without the relocation of the County Service Park we lose one park at the County Service Park and the library moves to the WMATA.

Councilmember ANDREWS,
This was very helpful because it means what is in between is very modest change between the two scenarios. The major difference is the number of units between the two. Housing units. And of course where ever the County Service Park ends up going, and that's why I do think it is real important for us to get back from the Executive as Marlene noted of things that are coming back our way, a list of potential sites where these facilities might be relocated. Thank you.

Councilmember LEVENTHAL,
Mr. Knapp.

Councilmember KNAPP,
Thanks. Mr. Chairman, when we started the whole conversation with the overview, this was last week, you started by kind of saying what the general forecasts are for the region as far as population increases and why that is important to take into consideration in doing this. I was wondering if we could get those kind of regional forecast models, I think it's 20-year forecasting for the region. I think, roughly tied to what our master plan process is and what these units would do relative to the number of people we think are coming to this area over that same time frame. Just to put in some context.

And then, what the different densities, both with moving the County Service Park and moving County Service Park do to addressing our jobs, housing balance, maybe that exists someplace in here but I didn't see it specifically called out. Just to try to get some context as to why we are making the broader policy choices that we think we may be making as a result of this one anyway.

